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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1651/2022

MOHD. RAJ FAJLERAB QURESHI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

**WITH
BAIL APPLICATION NO.1331/2022**

ALI HASAN MEHMOOD HASAN HASHMI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Misbaah Solkar, Adv. Neha Thakkar for the applicant in
BA/1651/22.

Adv. Sana Raees Khan a/w. Adv. Adity Parmar, Adv. Ajinkya
for applicant in BA/1331/2022.

Ms. A. A. Takalkar, APP for State.

PSI B. D. Chavan, Sakinaka Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 19, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned
APP for the State.

2. These applications are filed for bail in respect of the
offence punishable under Sections 376-D, 384, 406, 506(ii)
read with 34 of the Indian Penal Code (hereafter 'IPC' for
short), registered vide First Information Report (FIR) No.

147/2021 with Sakinaka Police Station.

3. The prosecutrix is 28 years of age. The date of the incident is alleged to be January 17, 2020. The FIR is lodged on February 19, 2021. In all there are three accused. It is alleged that the accused no.1 gained the trust of the prosecutrix. On the date of the incident i.e. January 17, 2020, it is alleged by the prosecutrix that she was drugged and rape was committed upon her person by the accused no.1 including the present applicants. It is further stated in the FIR that the accused no.1 forced the prosecutrix to marry him. It is alleged that the husband of the prosecutrix was addicted to liquor. It is the applicant-Mohd. Raj Fajlerab Qureshi (original accused no.2) who had introduced the prosecutrix to the accused no.1. It is further alleged that from time to time the accused no.1 demanded money from the prosecutrix which she paid as she was threatened that the accused no.1 will make her obscene videos viral. The FIR is lodged after delay of almost one year.

4. The present applicants i.e. the original accused nos.2 and 3 were arrested on March 22, 2021 and March 24, 2021 respectively. They are in custody for a period of almost one

year and ten months. A reading of the FIR coupled with the delay in lodging the FIR reveals that the possibility of the consensual relationship between accused no.1 and the prosecutrix cannot be ruled out. This is my prima facie opinion.

5. So far as the examination report of the mobile seized is concerned, there is nothing incriminating against the present applicants. There are no criminal antecedents reported against the applicants. The investigation is complete. The charge-sheet has been filed. The trial is likely to take a long time to conclude. Hence the following order.

ORDER

(a) The applications are allowed.

(b) The applicants-Mohd. Raj Fajlerab Qureshi in B.A.No.1651/2022 and the applicant-Ali Hasan Mehmood Hasan Hashmi in B.A.No.1331/2022, in connection with FIR No.147/2021 with Sakinaka Police Station, shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount.

(c) The applicants shall report to the Investigating Officer of the concerned police station once in a month

on every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicants shall reside outside the jurisdiction of the Sakinaka Police Station. They shall not enter the area except for the purpose of reporting to the investigating officer.

(g) The applicants shall not make any attempt to threaten the prosecutrix or establish any contact with her.

6. The applications are disposed of.

(M. S. KARNIK, J.)