

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

ANTICIPATORY BAIL APPLICATION NO. 1375 OF 2023

Mr. Nagri Ismail Abbas	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Ms. Tahera Qureshi for the Applicant.
Mr. R.M. Pethe, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 05th JUNE, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.180/2023 registered with Andheri Police Station, Mumbai for offences punishable under sections 376, 376(2)(n), 384, 504 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by the prosecutrix. A perusal of the FIR prima facie reveals that the physical relationship between the Applicant and the prosecutrix (both adults) was consensual. The records also reveal that there was pre-existing dispute between the Applicant and the prosecutrix over repayment of money taken by the Applicant. The records further reveal that on 23/03/2023, the Applicant herein had lodged a

complaint against the prosecutrix alleging that she had taken away his vehicle despite repayment of money borrowed from her.

3. Considering the above facts and circumstances, this is not a case for custodial interrogation. Moreover, the Applicant is a permanent resident of the State. There are no chances of the Applicant absconding or thwarting the course of justice. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.180/2023 registered with Andheri Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days i.e., on 07/06/2023 and 08/06/2023 between 11:00 a.m. to 02:00 p.m. ;

(c) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper

with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

4. The Application stands disposed of.

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(SMT. ANUJA PRABHUDESSAI, J.)