

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

ANTICIPATORY BAIL APPLICATION NO. 1536 OF 2023

Mr. Hashim Kailolikal Basheer	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Vahid A.S. Shaikh for the Applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Manish S., PI, Oshiwara Police Station, present.

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.1212/2022 registered with Oshiwara Police Station, Mumbai for offences punishable under sections 376(2)(n), 406, 420 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged

by prosecutrix. A perusal of the FIR prima facie reveals that the physical relationship between the prosecutrix and the Applicant herein (both adults), was consensual. The records also reveal that both parties have entered into MoU dated 06/01/2021 which prima facie indicate that the first informant had paid to the Applicant an amount of Rs.9,50,000/- as per the details which are given in the said MoU. The records reveal that only an amount of Rs.20,000/- was credited in the account of the Applicant. Prima facie, no case is made out for custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.1212/2022 registered with Oshiwara 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.

(SMT. ANUJA PRABHUDESSAI, J.)

**PREETI
H JAYANI**

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