

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2705 OF 2022

Ishtiyak Mustqki Ahmed Khan

..... Applicant

Versus

State of Maharashtra and anr.

..... Respondents

Mr.Ashutosh Tripathi i/b. Legal Point, Advocates for Applicant.

Mr. Y. Y. Dabke, APP for Respondent-State.

Ms. Vilasini Balsubramanian, Advocate for Respondent No.2.

Mr. P. Pawar, PssI, MHB Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th SEPTEMBER, 2023.

PC. :

1. By this application, applicant is seeking bail in Crime No.660 of 2021 registered with MHB Colony Police Station, Mumbai, for offences punishable under Sections 354-D and 506 of the Indian Penal Code, Section 12 of Protection of Children from Sexual Offences Act and Section 67 of Information Technology Act. .

2. It is prosecution's case that applicant is residing in the same vicinity where the informant is residing. It is alleged that applicant had misbehaved with the informant due to which the mother of informant had earlier lodged FIR against the applicant. After release

on bail in the said matter, applicant again sent messages to the first informant in vulgar language and threatened her that he will do anything with her and her family members.

3. It is contention of learned counsel for applicant that applicant has been falsely implicated in this case. Applicant is behind bar for more than one year and six months. Investigation is completed and charge-sheet has been filed. Applicant will abide by any condition imposed by this Court. Hence, requested to allow the application.

4. Learned APP submitted that earlier offence was registered against the applicant by mother of victim. On release on bail in the said offence, applicant again tried to threaten the victim by sending messages on her mobile phone. If applicant is released on bail, he may again threaten the victim, hence, requested to reject the application.

5. Learned counsel for respondent No.2 reiterated the submissions of learned APP.

6. I have heard both learned counsel. Allegations against the applicant is that he had sent messages in vulgar language to the first informant and had threatened her. Applicant is behind bar for more than one year and six months. Investigation is completed and charge-

sheet has been filed. Considering above facts, his further detention is not required.

7. In view of above, I pass following order :

ORDER

- (i) Applicant be released on bail in Crime No. 660 of 2021 registered with MHB Colony Police Station, Mumbai, on executing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- (v) Applicant shall not enter the area where the first informant and witnesses stay and applicant shall not try to contact first informant or witness by mobile or any other mode. If

applicant tries to contact first informant or witness, it would be a ground for cancellation of bail.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

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