

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

ANTICIPATORY BAIL APPLICATION NO.1326 OF 2023

NIKITA
KAILAS
DARADE

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Hina Aman Aparag

...Applicant

versus

The State of Maharashtra & Anr.

.... Respondents

Mr. Nauman Shaikh for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

Ms. Prachi B. Deokar i/b Sai Kadam for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th JANUARY 2024

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.267 of 2023 registered at Satara City Police Station on 28th March 2023, under Sections 376(2)(n), 420, 323, 506 read with Section 34 of the IPC.
2. Heard Mr. Nauman Shaikh, learned counsel for the applicant.
Ms. Pallavi Dabholkar, learned APP for the State and Ms. Prachi Kadam, learned counsel for Respondent No.2.
3. The FIR is lodged by the victim herself. She was 35 years of

age. She was residing with her husband and a son. She was working as a Nurse in a hospital at Satara. It is her case that she is knowing the present applicant who inturn introduced her to the main accused Farid Rajkar. The FIR mentions that the said Farid is the applicant's husband. However, in the same sentence, the informant has stated that the applicant did not tell her that Farid was her husband. The FIR thereafter, goes on to mention as to how Farid and the informant were in touch with each other and as to how Farid obtained various amounts totaling Rs.5,87,000/- from the informant. The serious allegations are about the incident which took place in the month of September 2022. Farid came to the informant's house and committed rape on her. He threatened her that he would make the video shooting and the photographs taken at that time viral on the internet. On this threat, he continued extorting money from her.

4. As far as the applicant is concerned, it is alleged that on 11th September 2022, the applicant and Farid's another friend Tejaswi came to the informants house and threatened her that they would make the video clips and photos viral. They told her

not to contact Farid. On this basis the FIR is lodged.

5. Learned counsel for the applicant submitted that even as per the FIR, there is nothing to connect the applicant with the incident of rape. On none of the occasions when Farid had obtained any money from the informant, the applicant was involved. The other co-accused Tejaswi who was similarly placed in the offence was granted anticipatory bail by the Sessions Court. On the ground of parity the applicant deserves the same protection.
6. Learned counsel for the first informant submitted that the applicant had introduced Farid to the informant and, therefore, her role is different from Tejaswi's role. She submitted that there are serious allegations regarding issuing threats of making the objectionable content viral attributed to the applicant.
7. Learned APP submitted that pursuant the FIR, there is statement of first informant recorded under Section 164 of Cr.Pc. She submitted that in case, protection is granted to the applicant, she be directed to cooperate with the investigation. The main accused Farid is still absconding.

8. I have considered these submissions. From the FIR, it is amply clear that the applicant had played no role whatsoever in the main incident of rape and at all other instances when Farid had extracted money from the first informant. Merely introducing Farid to the informant does not indicate her criminal intent. The alleged threats of making the objectionable content viral are also attributed to the co-accused Tejashwi, who has granted Anticipatory Bail. To that extent, the parity is applicable to the applicant. Considering the above, the applicant deserves to be protected under Section 438 of Cr.Pc..

9. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.267 of 2023 registered at Satara City Police Station, the applicant is directed to be released on bail on her executing PR bond in the sum of Rs.30,000/- (Rs.Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station on 23rd January 2024, 24th January 2024, and 25th January 2024 between 1.00 P.M. to 4.00

P.M. and thereafter as and when called.

- (iii) The applicant shall co-operate with the investigation.
- (iv) The Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)