

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

BAIL APPLICATION NO. 109 OF 2024

Mohd. Faizan Salahuddin Ansari	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Ms. Apeksha Vora for the Applicant.
Mr. Bapu V. Holambe-Patil, APP for Respondent-State.
Mr. Anil Patkar, PSI, Andheri Police Station, Mumbai.

**CORAM: MANISH PITALE, J.
DATE : 5th AUGUST 2024**

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is seeking bail in connection with FIR No.0529 of 2023 dated 20th October 2023 registered at Andheri Police Station, Mumbai, for offences under Section 376(2)(n), 354-C and 506 of the Indian Penal Code, 1860 (IPC).

3. The applicant was arrested on 21st October 2023 and he has remained behind bars since then. The investigation was completed and charge-sheet was filed against the applicant for the aforementioned offences.

4. The learned counsel for the applicant invited attention of this Court to the statement of the informant, leading to

registration of the FIR. It is submitted that a perusal of the very same statement would indicate that *prima facie* case against the applicant is not made out. The case of the informant that she was throughout under an impression that the applicant would marry her, is not borne out by the sequence of events itself. It is further submitted that reference to certain objectionable photographs of the informant being made viral through her ID on *Snapchat*, is also vague and in any case, there is no offence pertaining to the same registered against the applicant in the present case. It is submitted that the applicant has remained behind bars for about ten months and no further purpose would be served in keeping him behind bars, as he undertakes to abide by all the conditions that may be imposed while granting bail.

5. The learned APP, on the other hand, submits that the informant has alleged that friendship between her and the applicant turned into a relationship and that the applicant forced himself on her on false promises of marriage and this constitutes the offences that have been registered against the applicant. Reliance is placed on material that has come on record along with the charge-sheet.

6. In order to appreciate the rival submissions, this Court has considered the statement of the informant, leading to registration of the FIR. It is the case of the informant herself that in January 2021, the applicant established contact with the informant and since they started conversation on phone, the applicant and the

informant became friends. It is stated that the applicant allegedly proposed to the informant and thereafter, allegedly took her to a hotel room on the ground of celebrating his birthday. It is alleged that the applicant gave her an assurance that he would be marrying her. On this basis, there was physical relationship between them.

7. Thereafter, the informant has alleged that she came to know about the applicant having affair with another girl and that the applicant forced himself on the informant by threatening that he would make objectionable photographs taken with the said other girl viral, in the event the informant did not succumb to his desires.

8. It is significant to note that thereafter, the informant has alleged that in December 2021, the applicant took her to a hotel room and convinced her to take nude photographs of the applicant with the informant in compromising positions. Thereafter, it is alleged that the applicant threatened the informant that in case, she did not continue to have physical relationship with him, he would make viral the aforesaid photographs taken with the informant.

9. Thereafter, it is alleged that in March 2023, the applicant broke up the relationship and on 31st March 2023, he allegedly used the ID of the informant to make the aforesaid photographs taken with the applicant viral on *Snapchat*.

10. This Court finds that the applicant has made out a case in his favour, for the reason that the narration of events given by the informant, indicates that friendship between the two got converted into a relationship. The allegation regarding the applicant convincing the informant in December 2021 to have aforementioned nude photographs clicked with him, appears to be *prima facie* unacceptable, for the reason that according to the informant, she was being forced into such physical relationship with the applicant under the threat that he would make similar photographs of the applicant along with the third person viral on the social media. It is a little unconvincing that having become aware about the propensity of the applicant to act in such a manner, the informant would still agree to let her photographs be clicked in such a manner with the applicant. In the narration of events after December 2021, the informant has straightaway jumped to February 2023 to make further allegations against the applicant. As regards the allegation about the applicant having misused the ID of the informant to make certain photographs viral on *Snapchat*, in the first place, there is no offence relating to the same registered against the applicant in the present case and there is lack of supporting material in respect of the said allegation.

11. The investigation has been completed, the charge-sheet has been filed and the applicant has remained behind bars since 21st October 2023. *Prima facie* it appears that the applicant and the informant were in a relationship, which later on turned sour. The

applicant has made out a case in his favour for being enlarged on bail.

12. In view of the above, the application is allowed in the following terms:

- (a) The applicant shall be released on bail in connection with FIR No.0529 of 2023 dated 20th October 2023 registered at Andheri Police Station, Mumbai, on furnishing P.R. Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (b) The applicant shall not, in any manner or on any medium, get in touch with the informant. The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.
- (c) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.
- (d) The applicant shall cooperate for expeditious disposal of the trial.

13. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

14. The application is disposed of.

MANISH PITALE, J.