

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

ANTICIPATORY BAIL APPLICATION NO. 326 OF 2024

Mohammad Asif Mustafa Qureshi	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Nadeem Shaikh i/b. Shadab Khopekhar for Applicant.
Smt. M. H. Mhatre, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 5 FEBRUARY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.377 of 2023, registered at Mira Road Police Station, Mira Bhayander, on 03.11.2023, under Sections 376(2)(n) and 420 of the Indian Penal Code.
2. Heard Mr. Nadeem Shaikh, learned counsel for the applicant and Smt. Mhatre, learned APP for the State.
3. The F.I.R. is lodged by the victim herself. She has stated that, she was 29 years of age. In January 2023, she got in touch with the present applicant through a dating application. Thereafter they got friendly. They met personally on 31.01.2023. The

allegations in the F.I.R. are that the applicant told her that he would marry her and on this promise they had their physical relations, though, she has stated that on the first occasion it was against her wish. Even thereafter, whenever they had physical relations at different places on different occasions, she has stated that it was against her wish. The F.I.R. further mentions that, in March 2023, the applicant had told the informant that, he was planing to purchase a flat in her name. He showed her a flat at Mira Road. He further told her that, he had fixed the said transaction for Rs.1,56,00,000/-. He suggested that the informant also should contribute to some extent. It is her case that, she paid Rs.2,20,000/- through a cheque and certain amounts through Gpay. Thus, in all, she had paid Rs.16,86,801/-. Subsequently, the applicant blocked her phone number. He was not contactable. The informant realized that, she was cheated and then she lodged this F.I.R.

4. Learned counsel for the applicant submitted that, false allegations are made in the F.I.R. The informant and the applicant were in consensual relationship, but due to personal reasons,

they decided to part their ways. Thereafter, the informant started harassing the applicant. In fact, the applicant had given a complaint to Senior Inspector of Police, Naya Nagar police station, Mira Road on 02.09.2023 mentioning the incident dated 29.08.2023. He was abducted and assaulted. He was made to sign some documents. He submitted that, after this complaint was made, the first informant has lodged this F.I.R.

5. Learned APP opposed this application and produced the investigation papers before me.

6. I have considered these submissions. The investigation papers contain an agreement in the nature of promissory note purportedly executed by the applicant in respect of Rs.3 lakhs. It was dated 30.04.2023. There is one more declaration purportedly executed on 31.08.2023, wherein, the applicant has allegedly accepted to pay back Rs.14,65,000/- to the informant. In both these documents, there is no reference to booking of a flat. There is no mention that the informant had paid any amounts for booking of the flat. There is a statement of one Haider who has

supported the case of the applicant. The said Haider is not an accused. He has stated that the informant had taken money from the applicant and from this witness Haider himself, on the pretext that, the informant's mother was not well and she needed money for her treatment. Thus, at this stage, there is some doubt raised about the informant's case. Therefore, the investigating agency needs to investigate into that direction. Therefore, the applicant can be protected by way of ad-interim relief for the time being with directions to him to attend the concerned police station and to co-operate with the investigation.

7. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.377 of 2023, registered at Mira Road Police Station, Mira Bhayander, till the next date, the Applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- ii) This order shall operate till 19/03/2024.
- iii) The Applicant shall attend the concerned Police Station from 20/02/2024 to 23/02/2024 between 1.00p.m. to 5.00p.m. and thereafter as and when called and shall cooperate with the investigation.
- iv) Stand over to 19/03/2024.

(SARANG V. KOTWAL, J.)