

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

ANTICIPATORY BAIL APPLICATION NO. 1265 OF 2024

Ramzan Abdulla Shaikh

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Vikas Kamble a/w. Avinash B. Kamble for Applicant.

Mr. C. D. Mali, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 7 MAY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 117 of 2024 registered at Lonavala City Police Station, Pune Rural, on 20.03.2024, under Sections 376, 376(2) (n), 377, 354, 452, 406, 312, 323, 504 and 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Vikas Kamble, learned counsel for the applicant and Mr. Mali, learned APP for the State.

3. The F.I.R. is lodged by the victim herself. She has stated that, she was a married lady staying with her husband, daughter

and in-laws. She was a tennis player and used to take part in tennis tournaments. On 28.07.2022, she had joined a tennis court at Powai. Even her daughter had joined the same tennis court. Both of them used to go to the tennis court regularly. The present applicant was the main trainer of one tennis academy. He used to start conversation with her. It is alleged that, he used to get close to the informant and used to have regular conversation with her. He had told her that, he would see to it that she reaches far in tennis.

4. On 13.10.2022, the applicant made a video call. He was removing his clothes live on video. The informant got scared and told him not to continue with such calls. The F.I.R. thereafter mentions that, even after that their friendship grew. He used to get in touch with the informant. He used to meet her. On one occasion, he even went to her house and touched her inappropriately. He threatened the victim and then went away. It is alleged that, on 01.10.2022 the informant was taken to Pune by him on the pretext that there was tennis tournament. They stopped at Lonavala. He took her to a private room in a resort. It is

alleged that, at that time, they had their first physical relation. It is alleged that, it was against her wish. They stayed there together for the entire night. It is alleged that, their physical relations were against her wish. Even on the next day, same incident was repeated. After that, she was taken to different lodges on different occasions and he kept physical relations with the informant. During that period, he took Rs.12 lakhs from the informant on some pretext or the other. The informant became pregnant. She was taken to one hospital and was made to undergo medical termination of pregnancy procedure. After that, on 21.09.2023, the applicant took her to a foreign country and there he told everybody that the informant was his wife. It is alleged that, he continued to keep physical relations with her under threats. On these allegations the F.I.R. was lodged.

5. Learned APP seeks time as the investigation officer is not present. Therefore, I have heard the parties for consideration of ad-interim relief to the applicant.

6. Learned counsel for the applicant submitted that the

F.I.R. itself clearly indicates that it was purely a consensual relationship. Even after initial advances made by the applicant, the informant willingly went with him to different places which shows that it was a consensual relationship. In this view of the matter, the applicant's custodial interrogation is not necessary.

7. At this stage, it is necessary to hear the first informant because she had appeared before the Sessions Court. She is also made a party in this application without disclosing her identity. In this view of the matter, Notice will have to be issued to her. However, in the meantime, the applicant can be protected based on the submissions made by the learned counsel.

8. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No. 117 of 2024 registered at Lonavala City Police Station, Pune Rural, 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 03/07/2024.
- iii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iv) Issue Notice to the Respondent No.2, returnable on 03.07.2024.
- v) Stand over to 03/07/2024.

(SARANG V. KOTWAL, J.)