

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

ANTICIPATORY BAIL APPLICATION NO.1265 OF 2024

Ramzan Abdulla Shaikh

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Vikas P. Kamble, Advocate for Applicant.
- Mr. Shrikant H. Yadav, APP for the State/Respondent.
- Ms. Devyani H. Kulkarni, appointed advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 07th AUGUST, 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 P. Kamble, learned counsel for the Applicant, Ms. Devyani H. Kulkarni, learned counsel for the

Respondent No.2 and Mr. Shrikant H. Yadav, 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 counsel for the Applicant submitted that the FIR itself clearly indicates that it was purely a consensual relationship. Even after the initial advances made by the Applicant, the informant used to meet him and go to different places. It shows that it was a consensual relationship. He submitted that the Applicant had purchased a flat and had made his wife nominee of that flat. Immediately thereafter, the informant has lodged this FIR out of anger. Since no offence is made out, the Applicant's custodial interrogation is not necessary.
6. Learned APP as well as learned counsel for the Respondent No.2 submitted that the Applicant's custodial interrogation is necessary to conduct his medical examination. It is necessary to record the statements of the witnesses at the tennis court and different places and there is possibility that the Applicant may tamper with the evidence. They submitted that there are allegations involving him in monetary transactions and therefore relief may not be granted to the Applicant.
7. I have considered these submissions. From the FIR it is quite clear that it was a consensual relationship going on for

quite some time. The instances mentioned in the FIR had taken place not only in India, but they had travelled abroad together. The allegations about monetary transactions are made only at the time of registration of FIR. The apprehension that the Applicant may tamper with the evidence is not based on any material. The informant was a married lady and she was aware that the Applicant was also married.

8. Considering these aspects, the Applicant's custodial interrogation is not necessary. It is sufficient if he cooperates with the investigation by attending the police station as and when called.

9. 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, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The Applicant shall not tamper with the evidence in any manner.
- (iv) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)