

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
Anticipatory Bail Application No.1458 of 2024**

Serena Christine Sequeira
Age:37 Years, Occ: Business,
Adult, Indian Inhabitant,
Residence:-102/A, Kalpana Apt,
Sherly Rajan Road, Rizvi Complex,
Bandra (W), Mumbai-400 050 Applicant.
Vs.

The State of Maharashtra
(at the instance of Sr. Inspector
of Police, Bandra Police Station,
Bandra (W) Mumbai-50 Respondent.

**With
Interim Application (St) No.2363 of 2024
In
Anticipatory Bail Application No.1458 of 2024**

Gwendolen Peter Noronha
Aged : 35 years, Occ: Educationalist
R/at B-1, 406, Lokbharti CHS,
Maroshi Road, Andheri (E), Mum-59 Intervener.

In the matter between:

Ms Serena Christine Sequeira
Aged 36 years, Occ: Unemployed,
R/at Flat No.102/A, Kalpana
Apts., Sherley Rajan Road, Rizvi
Complex, Bandra (W), Mumbai-50 Applicant.
Vs.

The State of Maharashtra
(through Sr. Inspector of
Police Bandra Police Station) Respondent.

Mr Sunny Waskar @ Mihir Sharma @ Harshada Morey for the applicant.

Ms Rashmi Tendulkar, APP for respondent/State.

Mr Bhushan Mahadik i/by Mahadik & Associates for the Intervener.

PI Sudarshan Gaikwad, Bandra Police Station, is present.

Coram: R. N. Laddha, J.

Date : 21 June 2024.

P.C. :-

Heard Mr Sunny Waskar, the learned Counsel for the applicant, Ms Rashmi Tendulkar, the learned APP representing the respondent/State, and Mr Bhushan Mahadik, the learned Counsel for the Intervener.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.560 of 2024, registered with Bandra Police Station, Mumbai, for the offences punishable under Sections 376, 376(2)(n), 377, 328 and 506 of the Indian Penal Code.

3. According to the first information report (FIR), the applicant, who was a friend of the informant, invited the informant to stay at her house in exchange for payment. The informant began residing at the applicant's house in January 2024 after paying Rs.50,000/- for a four-month stay. During this period, it is alleged that accused No.1 committed rape on

the informant on 3rd and 4th February 2024. On 11 February 2024, the applicant administered a drug to the informant and sexually exploited her. As a result of these allegations, an FIR was registered against the applicant and her brother (accused No.1).

4. Mr Sunny Waskar, the learned Counsel for the applicant, submits that accused No.1 was apprehended on 12 April 2024. The charge under Section 376 of the Indian Penal Code does not apply to the applicant. There is nothing on record to indicate that the applicant disseminated the alleged nude photographs. The applicant is willing to hand over her mobile phone to the police, where the alleged photographs are stored. Furthermore, the learned Counsel highlights that the informant has criminal antecedents. The applicant is ready to cooperate with the police in the investigation and abide by any condition that this Court may impose.

5. Ms Rashmi Tendulkar, the learned APP, and Mr Bhushan Mahadik, the learned Counsel for the intervener, in unison, submit that in the incident that occurred in February 2024, the applicant allegedly administered a drug to the informant and sexually exploited her. The material available on record against the applicant, including medical records, indicates

sexual assault on the informant. Due to her intoxicated state and the effect of the administered drug, the informant was unable to file an FIR immediately. An independent witness saw the administration of drugs by the applicant. Additionally, the informant received threats via mobile phone with a Pakistani number. The mobile phone has not yet been recovered, and the custodial interrogation is necessary to obtain further details about the drug administered to the applicant.

6. Upon perusing the records, it appears that accused No.1 committed forcible intercourse with the informant while she was in an intoxicated state. There are allegations that the applicant recorded this incident on her mobile phone and threatened to make it viral on social media, which compelled the informant to be with the applicant. The mobile phone has not yet been recovered. The informant received threats via phone call from a Pakistani number. The ongoing investigation aims to verify these allegations. Notably, there appears to be an independent witness who saw the administration of drugs by the applicant. The offence is serious, and the custodial interrogation of the applicant would be necessary. Given the above, this Court is not inclined to

grant anticipatory bail to the applicant. Resultantly, the application stands rejected. As a sequel, the pending application also stands disposed of.

[R. N. Laddha, J.]