

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

**Anticipatory Bail Application No.2171 of 2024**

Mohd. Rizwan Shaikh

Age: 49 years, Adult Indian Inhabitant  
of Mumbai, having his address at Haji  
Allana Chawl No.100, 2<sup>nd</sup> Floor, Room  
No.27, Victoriya Road, Mustafa Bazar,  
Mumbai – 400 010

... Applicant

v/s.

1. The State of Maharashtra  
to be served through the Office of  
the Learned Public Prosecutor, High  
Court of Bombay, Mumbai

2. XYZ, Age: years, Indian  
Inhabitant of Mumbai, having address  
mentioned in F.I.R.

... Respondents

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Ms Mehjabeen Qureshi, h/f. Raeesuddin Khan, for the Applicant.

Mr Arfan Sait, APP, for Respondent No.1/State.

None for Respondent No.2.

API Santosh Mundhe, Byculla Police Station, Mumbai, is present.

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**Coram : R.N. Laddha, J.**

**Date : 3 September 2024**

**P.C. :**

Heard Ms Mehjabeen Qureshi, the learned Counsel appearing  
on behalf of the Applicant and Mr Arfan Sait, the learned Additional  
Public Prosecutor for respondent No.1/State.

2. By this application, the applicant seeks pre-arrest bail, in

connection with CR No.0589 of 2023, registered with Byculla Police Station, Mumbai, for the offences punishable under Sections 354-D, 506, 509 of the Indian Penal Code (IPC) and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).

3. According to the prosecution, the applicant/accused persistently followed the victim and made obscene gestures to embarrass her. Additionally, he manipulated one photograph of the victim by cropping it and combining it with his photo, then displayed it as his WhatsApp profile picture. As a result, the applicant defamed the victim, leading to a report being filed against him.

4. Ms Mehjabeen Qureshi, the learned Counsel appearing on behalf of the applicant, submits that the applicant is willing to cooperate with the investigation, including surrendering his mobile phone. The learned Counsel submits that Sections 354-D, 506 and 509 of IPC are bailable offences, and even Section 12 of the POCSO, carries a punishment up to three years. The applicant commits staying away from the victim and witnesses and not entering into the jurisdiction of the concerned police station. Furthermore, the applicant is ready to abide by the conditions imposed by this Court.

5. Mr Arfan Sait, learned APP for the respondent/State, submits that the photograph showing the victim and the applicant together was recovered from a screenshot on a mobile phone of the witness. The FIR

indicates that the applicant persistently harassed the victim. The mobile phone purportedly used in the crime has not yet been recovered, necessitating the applicant's custodial interrogation.

6. Upon perusing the records, it appears that the investigation is almost complete. The applicant is ready to hand over his mobile phone to the investigating agency and agrees to avoid contact with the victim and witnesses. Additionally, the applicant commits to staying out of the jurisdiction of the concerned police station. Given these circumstances, custodial interrogation of the applicant appears unnecessary. As a result, this Court is inclined to grant anticipatory bail to the applicant. Hence, the following order.

### **ORDER**

(i) In the event of arrest, the applicant shall be released on bail in CR No.589 of 2023, registered with Byculla Police Station, Mumbai, on executing a PR Bond of Rs.50,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station on 25, 26 and 27 September 2024, surrender his mobile phone to the investigating agency and cooperate with the investigation.

(iii) The applicant shall stay away from the victim and the witnesses and shall not enter into the

jurisdiction of the Byculla Police Station, Mumbai.

(iv) The applicant, himself or through any other person, shall not tamper with the evidence or influence any witnesses.

8. The application stands disposed of accordingly.

[ R.N. Laddha, J.]