

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2818 OF 2024**

Juber Mohammad Shakir Mansuri (as per FIR)

Mohd Juber Mansuri (as per Aadhar Card) ... Applicant

vs.

The State of Maharashtra and another ... Respondents

Dr. Abhinav D. Chandrachud a/w. Mr. Pavan Patil and Mr. Shubham Saraf for applicant.

Mr. Sagar R. Agarkar, APP for respondent No.1-State.

Mr. Chinmay Patil for respondent No.2.

Ms. Shilpa Nimkar, API, Koregaon Park Police Station, District Pune City.

CORAM : MANISH PITALE, J.

DATE : 21st OCTOBER, 2024

P.C. :

. Heard learned counsel for the applicant, learned APP for the respondent No.1-State as well as learned counsel having instructions to appear on behalf of respondent No.2 (first informant).

2. The applicant is apprehending arrest in connection with FIR No.0075 of 2024 dated 09.05.2024, registered at Koregaon Park Police Station, District Pune City, for offences under Sections 376(2)(n), 366, 354-A, 354-B and 506 of the Indian Penal Code, 1860 (IPC).

3. The statement of the informant that led to registration of FIR, shows that according to her, the applicant, who was a family friend, misused the acquaintance and forced himself upon the informant in circumstances

described in the statement. In the statement, it is specifically claimed that the applicant has in his possession certain nude photographs and videos of the informant, which were used to threaten so that she succumbed to the desires of the applicant.

4. The learned counsel for the applicant submitted that although the allegations are serious, the relationship between the applicant and the informant was consensual in nature. The informant is a married woman and she chose to be in relationship with the applicant and in that backdrop, this Court may consider the allegations made by the informant. It is submitted that the applicant has in his possession whatsapp chats between the two, which would indicate that both of them were regularly in touch with each other and that the informant had even expressed her love with the applicant. It is submitted that since the applicant is ready to co-operate with the investigation, this Court may consider allowing the present application.

5. The learned APP, on the other hand, submitted that the statement of the informant sufficiently makes out the ingredients of serious offences registered against the applicant and since chargesheet under Section 299 of the Criminal Procedure Code, 1973, has been recently filed against the applicant, this Court may not show any indulgence.

6. The learned counsel appearing on behalf of respondent No.2 submitted that an opportunity may be granted to file reply to the present applicant, as sufficient material can be placed before this Court, to indicate that the applicant is indeed responsible for the aforesaid offences registered against him.

7. This Court has perused the statement of the informant, leading to registration of FIR. For a moment, ignoring the material that the applicant relies upon, which may indicate the consensual relationship between the two, this Court finds it a little strange that in the statement leading to registration of FIR itself, while narrating the chronology of events, the informant herself has stated that on a particular date, in the backdrop of the applicant allegedly repeatedly calling up and harassing her, she agreed to go to a particular place to have dinner with the applicant. The other aspect also has to be appreciated that while serious allegation is made with regard to nude photographs and videos of the informant being in possession of the applicant, there is nothing to indicate that the applicant has, in any manner, used them to the detriment of the informant.

8. In such a situation, when the informant herself is a married woman and this Court is of the opinion that an opportunity can be granted to the applicant to place on record all the relevant material, as also in the light of the fact that the applicant has undertaken to co-operate with the investigation, a case for granting interim relief is made out. Respondent No.2 may file reply affidavit alongwith documents within four weeks from today, but in the meanwhile, interim relief can be granted to the applicant, subject to specific conditions.

9. In view of the above, there shall be interim relief in following terms:

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0075 of 2024 dated 09.05.2024, registered at Koregaon Park Police Station, District Pune City, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount to the satisfaction of the trial court.

- (b) The applicant shall appear before the investigating officer on 23.10.2024 and 24.10.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the investigating officer.
- (c) The applicant shall not, in any manner, contact the informant.
- (d) The applicant shall co-operate with the investigation, including surrendering his mobile phone and remaining present for his medical examination, if so required during the course of investigation.
- (e) The applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence.

10. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

11. List for further consideration on 25.11.2024 High on Board.

(MANISH PITALE, J)

Priya Kambl