

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3880 OF 2024

Biju Ibrahim Sakariya .. Applicant
Versus
State of Maharashtra and Anr. .. Respondents

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- Mr. Mithilesh Mishra, Advocate for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent No.1.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 24, 2025

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Mr. Mishra, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent No.1.
- 3.** Applicant is indicted for offences punishable under Sections 376, 377, 420, 323, 504 and 506 of the Indian Penal Code, 1860. Prosecutrix is Respondent No.2. Hence issue notice to Respondents. Mr. Dedhia waives service for Respondent No.1 - State. Humdast permitted. Advocate for Applicant shall serve Respondent No.3 through Court.
- 4.** Mr. Mishra would submit that age of prosecutrix is 31 years whereas age of Applicant is 45 years. Tenure of incidents stated in the FIR is between 22.07.2022 and 27.09.2022. The FIR is lodged on 11.12.2022.

5. Mr. Mishra would inform the Court that prior to the lodging of the FIR dated 11.12.2022, Applicant lodged complaint with Panaji Police Station against the Complainant on 15.11.2022 for extortion and blackmailing the Applicant. *Prima facie*, after the above timeline and dates are seen, Mr. Mishra appears to be right. He would submit that Applicant was arrested much subsequently on 02.06.2023 and is in incarceration since then. Considering the aforesaid facts, learned APP ascertain the above position, check the Complaint filed by Applicant and shall take appropriate instructions and apprise the Court on the next adjourned date for hearing of the present Bail Application.

6. Stand over to **12th March, 2025**. To be placed on 'Supplementary Board'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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