

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 57 OF 2025

Zaid Istiyak Ansari ...Applicant
Versus
State of Maharashtra & Anr. ...Respondents

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Mr. Viral Rathod, a/w Mr. Vishwatej Jadhav and Shivani
Shinde, for the Applicant.
Mr. P. P. Malshe, APP for the State – Respondent No.1.
Mr. Naushad Ahmed, for Respondent No.2.

CORAM: N. J. JAMADAR, J.
DATED: 26th SEPTEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the applicant.
2. The challenge in this application is to an order dated 7th January, 2025, whereby the learned Additional Sessions Judge was persuaded to cancel the order of pre-arrest bail granted to the applicant on 13th March, 2024, in connection with CR No.134 of 2024 registered with RCF Police Station, Mumbai, for the offences punishable under Sections 354, 452, 506(II), 427, 323 and 504 of the Indian Penal Code, 1860 (“the Penal Code”).
3. By the said order, the applicant was granted pre-arrest bail on certain conditions including that the applicant shall not commit any offence in future and he shall not contact the

complainant and witnesses directly or indirectly by any mode till the conclusion of trial.

4. The applicant subsequently came to be arraigned in another FIR lodged by the husband of the first informant in CR No.279 of 2024.

5. The learned Additional Sessions Judge, after perusing the contents of the said FIR and the CCTV footages, found that, there was breach of the aforesaid conditions and, therefore, the order of pre-arrest bail came to be cancelled.

6. On 24th January, 2025, this Court was persuaded to pass an order that, no coercive action be taken against the applicant after recording a *prima facie* view as under:

“4. Once the Additional Sessions Judge had granted pre-arrest bail to the applicant by taking into consideration all the factors and the fact that the daughter of the first informant was in friendly relations with the applicant for 3 years, in the absence of any material regarding the breach of any of the conditions, the Additional Sessions Judge ought not to have vacated the order. The photographs and CCTV footage tendered on record, at this stage, cannot be said to be a sufficient evidence indicating breach of the conditions alleged to have been committed by the applicant after he was granted the anticipatory bail. It is a matter of record that after the second FIR, the applicant has been granted regular bail by an order dated 10th May, 2024. Before considering the application on merits, it would be expedient to hear the respondents.”

7. The Court is informed that, in the second FIR, the applicant was arrested and was released on bail after about 20

days of arrest. *Prima facie* it appears that, the genesis of the offences is in the alleged friendly relations which the applicant had with the daughter of the first informant. On account of refusal to perform the marriage of the applicant with the daughter of the first informant, the relations between the parties have turned sour.

8. In these circumstances, since the applicant was arrested in the second crime and has been released on bail therein and the order passed by this Court is in operation for over eight months, at this juncture, there seems no justification to cancel the order of pre-arrest bail.

9. The apprehension on the part of the prosecution and the first informant that, the applicant would again contact the first informant and her daughter and harass her, can be taken care of by imposing stringent conditions in addition to the conditions imposed by the learned Sessions Judge in the order dated 13th March, 2024.

10. Hence, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) The impugned order stands quashed and set aside.

- (iii) The order dated 13th March, 2024 directing the release of the applicant on pre-arrest bail stands restored, on the following conditions, which shall be in addition to the conditions imposed by the learned Sessions Judge in the said order.
- (a) The applicant shall not enter the limits of the RCF Police Station, Mumbai.
- (b) The applicant shall not enter the house of the first informant for any purpose whatsoever.
- (c) The applicant shall not contact the first informant and her daughter for any purpose, whatsoever, by any mode, either directly or indirectly.
- (d) In the event, the charge-sheet is lodged, the applicant shall regularly attend the proceedings before the jurisdictional Court.

[N. J. JAMADAR, J.]