

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO.3554 OF 2025**

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|----------------------------|---------------|
| Abdul Ajij Shahadat Shaikh | ...Applicant  |
| <i>Versus</i>              |               |
| State of Maharashtra       | ...Respondent |

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**Mr. R. S. Chaubey**, *for the Applicant.*  
**Ms. Poonam P Bhosale**, *APP for the Respondent - State.*  
PSI – Chavan R.K., Kandivali Police Station, Mumbai, present.

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**CORAM    DR. NEELA GOKHALE, J.**  
**DATED:    14<sup>TH</sup> OCTOBER 2025**

**PC:-**

**1.** By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.387 of 2025 dated 24<sup>th</sup> May, 2025, registered with the Kandivali Police Station, for the offences punishable under Sections 78, 123 and 64(2)(m) of the Bhartiya Nyaya Sanhita, 2023 ('**BNS**').

**2.** The facts of the present case, in brief, are that complainant is married and has 3 children and Applicant is also married and has 4 children. The Applicant is alleged to be

the friend of the complainant's husband. He befriended her and took her to a Hotel Happy Guest House. After registering in the hotel register, he took her to the room and gave her water to drink. She alleges that the water was spiked and she became unconscious. When she came to, she found herself without any clothes and she was apparently exploited. She complained to the Applicant regarding the same but he told her that he was in love with her and if she exposed him, he would ruin her reputation and convey her deeds to her husband. He also threatened her with some photographs which he alleged to have, in respect of their relationship. Thus, the complainant filed a complaint, pursuant to which the FIR was registered.

**3.** The Applicant was arrested on 25<sup>th</sup> May, 2025. He made an Application before the Additional Sessions Judge, Borivali Division, Goregaon, Mumbai, however, by order dated 21<sup>st</sup> July, 2025, the said bail application was rejected. Hence,

the Applicant has filed present Application for the reliefs as prayed.

**4.** Mr. Chaubey, learned counsel for the Applicant, submits that this relationship was consensual and it is only when the complainant was scared that the husband would learn about her relationship that she made allegations against the Applicant. He pointed to the medical report of the Applicant, wherein the complainant specifically denied any history of photography / videography, intoxication, physical assault. He also drew to my attention a statement of one Mr. Dipak Dedhiya, the manager of the Hotel Happy Guest House, where the complainant alleged to have been taken by the Applicant. He thus, submits that Applicant has not committed any offence. He submits that Applicant has no antecedents. Hence, he prays that the Applicant be released on bail.

**5.** Per contra, Ms. Bhosale, learned APP, resists the Bail Application. She tendered on record the statement of the complainant recorded under Section 164 of the Cr.PC. which

is consistent with the story narrated by the complainant in the FIR. She submits that the offense is serious. Thus, Ms.Bhosale, prays that the Application be rejected.

**6.** I have heard learned counsels for the respective parties and perused the record of the case with their assistance.

**7.** *Prima facie*, a plain reading of the FIR indicates an element of consent in the relationship. The statement of the manager of the Hotel Happy Guest House reveals that the Applicant and complainant checked in the hotel room on as many as three different occasions. She willingly gave her proof of identification, for the purpose of checking in the said hotel room. The complainant also gave a statement to the medical doctor who examined her that there is no history of intoxication or physical assault. Although the contents of statement recorded under Section 164 are consistent with the story narrated by the complainant in the FIR, in the totality of circumstances, it appears that there may have been

consensual relationship between the parties. The Applicant is in custody from 25<sup>th</sup> May, 2025 and charges are not yet framed. There are no antecedents in respect of the Applicant. In these circumstances, I am inclined to grant bail to the Applicant on following conditions:-

### **ORDER**

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

**8.** Application is allowed in the above terms and is accordingly disposed of.

**9.** It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)