

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4297 OF 2025**

Mohommad Mustafa Zakir Ali Khan	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Faisal F. Shaikh a/w Bhavesh A., for the Applicant.
Ms. Anamika Malhotra, APP for the State-Respondent No.1.
Ms. Keral Mehta, for Respondent No.2.
PI – Chewale Shriniwas, Vileparle Police Station is present.

CORAM Dr. Neela Gokhale, J.
DATED: 20th November 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 690 of 2025 dated 7th October 2025 registered with Vileparle Police Station, Brihanmumbai City for the offences punishable under Sections 69 and 123 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”).

2. The facts of the case, as discerned from the FIR, are that the First Informant is a resident of Delhi and had travelled to Mumbai to meet her friend. She was introduced to the present

Applicant and another friend. They had a relationship and it is alleged by the First Informant that on 28th August 2025, they had a sexual relationship in a hotel room in Mumbai. It is alleged by the First Informant/victim that the Applicant had promised to marry her. However, he reneged on this promise, thereby cheating her. Hence, she made the complaint, leading to the registration of the FIR.

3. The Applicant made an application seeking bail before the Sessions Court at Dindoshi (Borivali Division), Goregaon, Mumbai. However, by order dated 11th November 2025, his bail application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. Mr. Faisal Shaikh, learned Counsel for the Applicant, submits that there was a relationship between the Applicant and the victim and in the course of the said relationship, the sexual intercourse took place. He submits that the victim herself is married and is a resident of Delhi. It was only in the spur of the moment that the First Informant made the

complaint with the police, leading to the arrest of the Applicant on 7th October 2025. He submits that the Applicant has not committed any offence much less the offence as alleged against him. Hence, Mr. Shaikh urges this Court to enlarge the Applicant on bail.

5. Ms. Anamika Malhotra, learned APP, points out that there is an antecedent in respect of the present Applicant inasmuch as there was an FIR earlier filed against him for offence punishable under the POCSO. Mr. Shaikh counters Ms. Malhotra by saying that eventually he married the First Informant in that case.

6. Ms. Keral Mehta, learned Counsel for the First Informant, states that the First Informant is already married and ordinary resident of Delhi. She is not desirous of pursuing the present criminal case against the Applicant. She admits that there was a relationship between the Applicant and herself and on account of some misunderstanding the FIR was

registered. She thus leaves it to the Court to pass an appropriate order.

7. Considering that the Applicant and the First Informant had a consensual relationship and that there was no element of force in the said relationship, as admitted by Ms. Mehta herself, on instructions from the First Informant, who is present in Court and has affirmed the said submission of Ms. Mehta, there is nothing to be achieved by the continued incarceration of the Applicant.

8. In view of the peculiar facts and circumstances of the case, I am inclined to enlarge the Applicant on bail and it is ordered as under:

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 as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;

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

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

v) The Applicant shall inform his latest place of residence and mobile 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 concerned Police Station;

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

vii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

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

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

(Dr. Neela Gokhale, J)