

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2677 OF 2025

Irshad Khan

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents.

.....
Mr. Gaurav Bhawnani a/w. Adv. Mayanka S.R. i/b Mr. Khan Abdul Wahab for the Applicant.

Mr. B.V. Holambe Patil, APP for the Respondent/State.

Mr. Himanshu Rai for Respondent No.2.

API Ramesh D. Andher, Bhandup Police Station, Mumbai.

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CORAM : N.R. BORKAR, J.
DATE : 07.10.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 585 of 2025 registered at Bhandup Police Station for the offences punishable under Sections 64, 64(2)(m), 64(2)(f), 74, 75, 76, 79, 351 (3) of the Bharatiya Nyaya Sanhita, 2023.
3. The prosecutrix is the wife of brother of applicant's wife. The prosecutrix got married to the brother of applicant's wife on 1st July 2024. It is alleged that on 21st July 2024, the applicant committed forcible sexual intercourse with the prosecutrix, while she was alone at her matrimonial home. It is alleged that the applicant secretly recorded the video of the alleged act in his

phone and subsequently began blackmailing the prosecutrix. It is further alleged that until October 2024, the applicant subjected the first informant to forcible sexual intercourse by threatening to make the said video viral.

4. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent/State and the learned counsel for the first informant/prosecutrix.

5. Learned counsel for the applicant submits that there was matrimonial dispute between the prosecutrix and her husband. It is submitted that the husband of the prosecutrix had to lodge the report as she left her matrimonial home after three days of marriage. It is submitted that false report came to be lodged against the applicant as the wife of the applicant had lodged the report against the brother of the prosecutrix for outraging her modesty. It is submitted that there is no explanation in respect of delay in lodging the FIR. It is submitted that vague allegations are made in respect of repeated act.

6. On the other hand, the learned APP for the respondent/State and the learned counsel for the respondent No.2/prosecutrix submit that the applicant was threatening that he would post the secretly recorded video on social media and thus the prosecutrix was afraid of lodging the report. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. I have perused the material on record and the papers of investigation. *Prima-facie*, there appears to be substance in the submission of the learned counsel for the applicant. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail on certain conditions. In the result, the following order is passed.

ORDER

- A) The Application is allowed.
- B) In the event of arrest of the applicant in C.R. No.585 of 2025 registered at Bhandup Police Station for the offences punishable under Sections 64, 64(2)(m), 64(2)(f), 74, 75, 76, 79, 351 (3) of the Bharatiya Nyaya Sanhita, 2023, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.
- C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate with the investigation.
- D) The applicant shall not tamper with the prosecution evidence.

- E) The Applicant shall not contact the prosecutrix.
- F) The applicant shall hand over his mobile phone to the Investigating Officer.

[N.R.BORKAR, J.]