

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Cri.Anticipatory Bail Application No.559 of 2026

Mohd. Wasim Mohd Asgar Ansari

An adult Indian Inhabitant

Aged about 40 yrs, Occ : service

R/at 308, Lucky Apt

Chincholi Gate road, Irani

Colony, Goregaon (E), Mumbai-97

... Applicant.

Vs.

The State of Maharashtra

at the instance of Dindoshi Police

Station

... Respondents.

Mr Thekkara Vinod K Raman i/by Mr Anup Lahoti for the applicant.

Mr Mayur Sonavane APP for the respondent / State.

API Amit Khutwad, Dindoshi Police Station, Mumbai.

Coram : R.N.Laddha, J.

Date : 9 April 2026.

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.82 of 2026, registered at Dindoshi Police Station, Mumbai, for offences punishable under Sections 74, 75, 79 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 5 January 2026 at approximately 4:30 a.m., while the prosecutrix was asleep in the hall with her grandmother and aunt, the applicant (her uncle) entered the premises and lay beside her, touching her waist without consent. Upon awakening and raising an alarm, the applicant withdrew. Owing to shock and fear, she did not immediately disclose the incident. It is alleged that on 8 January 2026 at about 4:30 a.m., the applicant again approached the prosecutrix while she slept in the same area and touched her chest and waist with sexual intent. When she resisted and raised an alarm, the applicant, upon being confronted by family members, became aggressive, procured a knife, and placed it against her throat, issuing threats to kill her if the incident was disclosed.

3. The prosecution further alleges that on 11 January 2026 at around 11:00 p.m., the applicant threatened and coerced the prosecutrix to marry him, stating that refusal would result in rape and murder, causing severe fear and mental trauma. Following this, on 12 January 2026, the prosecutrix disclosed the incidents to her mother, Nasreen. Upon confrontation, the applicant denied the allegations

but reiterated threats and behaved aggressively. Furthermore, the applicant is also accused of having defamed the prosecutrix within the locality by making obscene and derogatory remarks to damage her reputation.

4. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. It is submitted that there exists an inordinate and unexplained delay in the lodging of the FIR. The alleged incidents are stated to have occurred between 5 January 2026 and 12 January 2026, whereas the FIR came to be registered only on 5 February 2026, rendering the prosecution version doubtful and suggestive of an afterthought. It is further submitted that the present FIR is a *mala fide* attempt to settle scores arising out of an ongoing property dispute between the parties. In this regard, learned Counsel draws the attention of this Court to multiple non-cognisable complaints lodged by the applicant, as well as by his mother and daughter, against the prosecutrix and her relatives. These complaints, dated 8 January 2026, 12 January 2026, 16 January 2026, 23 January 2026, 26 January 2026, and 29 January 2026, pertain to threats allegedly extended by

the prosecutrix and her family members, and significantly predate the institution of the present FIR. It is thus urged that the FIR is nothing but a calculated device, adopted with an ulterior motive, to exert undue pressure upon the applicant and to coerce him into relinquishing possession of the disputed property.

5. The learned Counsel further submits that no custodial interrogation is warranted, as there is nothing to be recovered or discovered from the applicant. The applicant, it is submitted on instructions, is willing to comply with any conditions that this Court may deem fit to impose, including a restraint on entering the territorial jurisdiction of the concerned Police Station and a categorical undertaking to refrain from establishing any form of contact with the prosecutrix.

6. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail. He submits that the offences alleged against the applicant are grave and serious in nature, entailing severe consequences, and that there exist specific and direct allegations implicating the applicant in the

commission of the crime. While fairly conceding that the investigation is at an advanced stage and that nothing further remains to be recovered or discovered from the applicant, the learned APP nevertheless expresses a strong apprehension that, if released on bail, the applicant may tamper with the prosecution evidence and exert undue influence upon the witnesses.

7. This Court has given anxious consideration to the submissions canvassed across the Bar and perused the records.

8. Upon a perusal of the records, it reveals that multiple non-cognisable complaints have been lodged *inter se* between the prosecutrix and her family members on the one hand, and the applicant and his family members on the other. It is noteworthy that the alleged incidents are stated to have occurred during the period from 5 January 2026 to 12 January 2026, whereas the FIR came to be lodged belatedly on 5 February 2026. Additionally, the learned APP has fairly conceded that the investigation is at an advanced stage and that nothing is to be recovered or discovered at the instance of the applicant. Furthermore, the applicant has

expressed his willingness to abide by any conditions that may be imposed by this Court, including residing outside the jurisdiction of the concerned Police Station and refraining from establishing any contact with the prosecutrix in any manner whatsoever. Insofar as the apprehensions expressed by the prosecution regarding possible tampering with evidence and influencing of witnesses are concerned, the same can be adequately addressed by imposing appropriate conditions.

9. Having regard to the totality of the circumstances, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in CR No.82 of 2026, registered at Dindoshi Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall not, directly or indirectly, tamper with the evidence

or attempt to influence, induce, or threaten any witness.

(iii) The applicant, himself or through any other person, shall refrain from contacting the prosecutrix in any manner whatsoever.

(iv) The applicant shall not enter within the territorial jurisdiction of the concerned Police Station till the filing of the charge sheet.

10. The application stands disposed of accordingly.

[R. N. Laddha, J.]