

MHCC050064422022



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**

ANTICIPATORY BAIL APPLICATION NO.1931 OF 2022
IN
C.R.NO.984 OF 2022

Mrs. Yasmee Khan
Aged 40 years,
Currently residing at 1104, Acme Avenue
Kandivali, Charkop,
Kandivali West, Mumbai, Maharashtra- 400 067Applicant/
Accused

V/s.

The State of Maharashtra
(At the instance of Charkop Police Station, Mumbai)
.....Respondent

Adv. Ashok Yadav for applicant/accused.
APP. Ms. R. S. Kanojia for State/respondent.

**CORAM : H.H. Additional Sessions Judge,
Shri S. N. Salve.
Court Room No.15.
Date : 7th December, 2022**

ORAL ORDER

The applicant–accused has filed this application under Section 438 of the Code of Criminal Procedure for grant of bail in anticipation of her arrest in connection with Crime No.984/2022

registered with Charkop Police Station for the offences punishable Under Sections 376, 384, 420, 500, 354 (C), 506 read with section 34 of the Indian Penal Code and offences under section 66, 67, 67 (A) of the Information Technology Act.

2. In short, it is contended by the applicant – accused that an FIR No. 872 of 2022 has been registered with Chembur Police Station which subsequently came to be transferred to Charkop police Station for further investigation. It is contended by the applicant-accused that she has received Notice under section 41 A of the Code of Criminal Procedure. She is apprehending her arrest in the aforesaid crime. According to the applicant-accused, it is alleged in the FIR that 7 months ago, she was offered a role in bold web series by Rahul Thakur. It is further alleged in the FIR that thereafter she went to flat at Malad and she came in contact with the applicant that bold web series will be shot and it won't be telecast in India and thereafter an agreement between the parties was signed. It is further alleged in the FIR that she was given threats by the applicant by demanding ₹ 15 lakhs. It is further alleged in the FIR that she was paid ₹ 10,000 and afterwards ₹ 25,000/-, however, the said video was posted on social media platform such as Twitter, Facebook etc.

3. According to the applicant, she is married woman having minor children and there is no one to take care of the child. It is further contended that the informant was a grown-up woman and had sufficient intelligence to understand the significance and moral quality of the act. According to the applicant, she is innocent and has nothing to do with the offences alleged against her. It is contended by the applicant-accused that she is ready to co-operate

with the investigation machinery. She is permanent resident of Mumbai so there is no possibility of fleeing away from justice. She undertakes to abide by the terms and conditions to be imposed by the Court while granting bail. Lastly, she prayed that she be enlarged on bail in anticipation of her arrest in the aforesaid crime.

4. The prosecution has strongly opposed the application by filing say. It is submitted by the prosecution that an obscene video was shoot under the pretext that it will not be telecast in India, however, it was telecast in India. It is further submitted by the prosecution that the present applicant and the co-accused by threatening the informant shoot the nude video. It is submitted by the prosecution that the accused persons without the consent of the informant have telecast the video on the social platform namely Twitter and Facebook. It is submitted by the prosecution that the present applicant is having criminal antecedents and she is involved in similar offences. It is further submitted by the prosecution that the custodial interrogation of the present accused is to be done for detail investigation with reference to the video shoot by the accused. The prosecution further submitted that the investigation of the crime is underway and if the applicant – accused is enlarged on bail, she would tamper with the prosecution evidence. On these amongst other grounds, the L.d. APP sought for rejection of the anticipatory bail application.

5. I have heard the learned advocate for the applicant – accused. I have also heard the learned APP for the State. It is vehemently argued by the learned advocate for the applicant – accused that the accused is innocent and she has got no concern

with the alleged offence. It is further argued by him that the accused is having a 4 years child and there is nobody to look after him except the applicant. It is further argued by him that the applicant-accused is ready to co-operate with the investigation machinery. She is permanent resident of Mumbai so there is no possibility of fleeing away from justice. He, therefore, prayed that accused be enlarged on bail in anticipation of her arrest in the aforesaid crime.

6. On the other hand, the learned APP for the State argued that the offences alleged against the applicant are of serious in nature. The accused persons by threatening the informant shoot the nude video and telecast on the social media platform like Twitter and Facebook in India even though they promised her that the nude video will not be telecast in India. It is further argued by her that in so far as the nude video is concerned, custodial interrogation of the applicant-accused is necessary as to where the nude video is made viral. If the accused is enlarged on bail, there is every possibility that she may destroy the material piece of evidence. The learned APP, therefore, prayed that anticipatory bail application be rejected.

7. After having heard the learned advocate for the applicant – accused, learned APP for the State, I have gone through the application for anticipatory bail, say filed by the prosecution and documents on record. Admittedly, an FIR has been registered against the applicant-accused for the offences punishable under section 376, 384, 420, 500, 354 (C), 506 read with section 34 of the Indian Penal Code and offences under section 66, 67, 67 (A) of the Information Technology Act. The allegations against the present applicant are of serious in nature. It is alleged that the present applicant along with

the co-accused under the pretext that the nude video will be telecast outside the India, however, without the consent of the informant, the nude video is made viral on the platforms like Twitter and Facebook. Having considered the nature of allegations made against the present applicant and co-accused, custodial interrogation of the accused is necessary. According to the prosecution, the present applicant is involved in the similar crime. The present applicant is having criminal antecedents. If the applicant is enlarged on bail in anticipation of her arrest in the aforesaid crime, possibility of tampering the evidence cannot be ruled out. After having considered nature of allegations made against the present applicant and co-accused, to my mind, this is not a fit case to exercise the powers under section 438 of the Code of Criminal Procedure.

In the result, the following order is made :

ORDER

1. The Application for Anticipatory Bail is rejected.
2. Accordingly, Anticipatory Bail Application No. 1931 of 2022 is disposed of.

Dt.07/12/2022

(S. N. SALVE)
Addl. Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi, Mumbai

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE 07.12.2022
AND TIME : 5.30 p.m.

Mrs. T. S. Bhogte
NAME OF STENOGRAPHER

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| Name of the Judge (with Court Room No.) | HHJ Shri S. N. Salve (Court Room No.15) |
| Date of Pronouncement of Judgment/Order | 07.12.2022 |
| Judgment/Order signed by P.O. on | 07.12.2022 |
| Judgment/Order uploaded on | 07.12.2022 |