

MHRG170009612026



**IN THE COURT OF SPECIAL JUDGE
JUDGE AT PANVEL, DISTRICT- RAIGAD**

Criminal Bail Application No. 482/2026

Saiyad Rijban Esmail

---Applicant

Vs.

State of Maharashtra

--- Opponent

Appearance-

Ld. Advocate Mr. Rahul Varde for applicant.

Ld. Spl. P. P Smt. Madhuri Thalkar for State.

ORDER BELOW EXH. 1

1. This is an application filed by applicant **Saiyad Rijban Esmail** under Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (in short "BNSS") for anticipatory bail.
2. I.O. has filed say to this application at Exh.7 and strongly opposed the bail application. Notice of this bail application was issued to complainant/victim. Accordingly, she appeared and strongly opposed the bail application.
3. Perused application, say thereon and documents produced on the record. Heard both sides.

4. Ld. Advocate for applicant submitted that, the applicant is citizen of India. He is permanent resident of Kachchh, Gujarat. Presently, he is employed in UAE. The relation between informant and applicant was consensual. They were in love with each other. The case is of simple breakdown of relationship. The applicant never made promise to marry. The informant is 36 years old mature lady. The investigation is completed and charge-sheet has been filed. The custodial interrogation of the applicant is not required. The applicant is ready to abide any condition to be imposed by the Court. He is ready to co-operate the investigating agency. Even-though the applicant is in abroad, there is no intention to flee away from the arms of the law. Ld. Advocate of applicant relied upon following authorities :

1) Sidhant Anandrao Sonkamble Vs. The State of Maharashtra [Anticipatory Bail Application No.170/2022 decided on 28/03/2022].

2) Kunal Shrikant Thakur Vs State of Maharashtra [Anticipatory Bail Application (ST) No.22985/2024 decided on 31/10/2024].

3) Saurabh Bapu Khomane Vs. State of Maharashtra and Ors. [Criminal Appeal No.873/2025 decided on 17/09/2025].

4) Tapan Kiran Doshi Vs. The State of Maharashtra and Anr. [Anticipatory Bail Application No.2982/2025 decided on 11/02/2026].

5. Ld. Spl. P. P. Smt. Madhuri Thalkar submitted that the applicant had sexual intercourse with informant by making false promise to marry with her. They lived together like husband and wife. The applicant had taken Rs. 3,36,220/- from the informant. Despite, promise to marry made with informant, the applicant made engagement with another lady. There was financial transaction between the applicant and informant. The applicant fled to UAE. He was not available for investigation. Lock out circular was issued against the present applicant. Though charge-sheet is filed investigation is still going on. Medical examination of the applicant is yet to be done. It is necessary to verify the financial transaction between the applicant and informant. Applicant is not available in India. If the anticipatory bail is granted, the applicant would not be available for medical examination and for further investigation. Custodial interrogation of the applicant is necessary to unearth the truth. Hence, prosecution prayed to reject the application.
6. Perused FIR and material placed on record. Informant/victim was got married in 2006. After marriage she stayed with her husband. However, the

informant's relation with her husband became strained. Therefore, she was residing separately from her husband since 2017. However, in 2020 her husband committed suicide. Thereafter, informant was doing business of food delivery. One Adil Gaha used to take lunch box from the informant. Through Adil Gaha informant and applicant acquainted with each other. The informant and applicant used to meet each other. The applicant was working in DP World and was residing at Ulwa. Thereafter, the applicant left his job. Thereafter, the applicant started staying with informant like husband and wife. The applicant made promise to the informant that he would marry with her. On 25/02/2025, informant went at Dubai in connection of job. Thereafter, informant came to know about engagement ceremony of the applicant with another lady girl. Therefore, informant tried to make phone call to the applicant. However, he did not receive the informant's calls. Therefore, informant made complaint at Nhavasheva Police Station. At that time police called applicant's father. The informant had talk with applicant on phone. At that time the applicant made assurance that he would come and fix everything. However, the applicant failed to fulfill his promise. He started avoiding informant. The informant paid certain amount to the applicant. The applicant started avoiding informant and failed to fulfill his promise to marry. The informant lodged report with Nhavasheva (Ulwa) Police Station against

applicant. The crime was registered vide C.R. No.107/2025 for offence punishable under section 69 of Bhartiya Nyaya Sanhita, 2023 (BNS).

7. Prima-facie it appears that the applicant and informant lived together like husband and wife. The applicant made promise of marriage to the informant. However, the applicant did not fulfill his promise. He fled to Dubai. He made engagement ceremony with another lady. After, registration of FIR investigation officer issued notice to the applicant. However, the applicant did not remain present before the investigating officer. Investigation officer also made effort to serve the notice through employer of the applicant. e-mail was also sent to the applicant. Lock out circular was issued against the applicant. The applicant did not co-operate the investigation. Though, charge-sheet is filed but investigation is still remained due to avoiding tactics played by the applicant. Medical examination of the applicant is yet to be done. The charge-sheet has been filed after issuing lock out circular. Considering the peculiar fact and circumstances of the case the authorities relied upon by the applicant are not helpful to him.
8. The applicant is not entitled for anticipatory bail merely on the ground that charge-sheet has been filed. The police have power to conduct further investigation. The custodial interrogation of the applicant is necessary for

further investigation. Hence, I am not inclined to grant anticipatory bail to the present applicant. As a result, I pass following order.

: ORDER ::

1. Application (Exh.1) is rejected.
2. Interim relief granted vide order below Exh.4 is hereby vacated.
3. Inform the concerned police station, accordingly.

Panvel,
Dated :- 06/06/2026

(S. R. Chavan)
Special Judge
Panvel, Dist.-Raigad