

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.392 OF 2015**

Nadeem Saleem Shaikh  
Versus  
The State of Maharashtra

....Appellant.  
...Respondent.

Ms. Anjali Patil, advocate for the Appellant/Applicant.  
Mr. D.P.Adsule, APP for the respondent-State.

**CORAM : MRS. MRIDULA BHATKAR, J.  
DATED : April 16, 2015.**

**P.C.:**

Admit.

**(MRS.MRIDULA BHATKAR, J.)**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO.414 OF 2015  
IN  
CRIMINAL APPEAL NO.392 OF 2015**

Nadeem Saleem Shaikh  
Versus  
The State of Maharashtra

....Appellant.  
...Respondent.

Ms. Anjali Patil, advocate for the Appellant/Applicant.  
Mr. D.P.Adsule, APP for the respondent-State.

**CORAM : MRS. MRIDULA BHATKAR, J.**

**DATED : April 16, 2015.**

**P.C.:**

This bail application is directed against the judgment of conviction 13.3.2015 passed by the Additional Sessions Judge, City Civil Court, Greater Bombay. He is sentenced to undergo ten years imprisonment and to pay fine in the sum of Rs.5,000/- in default of payment of fine to undergo further RI for two months for the conviction under Section 376(2)(n) of the IPC. For the conviction under Section 506 of the IPC, he is sentenced to undergo three years imprisonment and to pay fine in the sum of Rs.5,000/- in default of payment of fine to undergo further RI for two months. The learned counsel for the applicant-accused

submits that the applicant-accused was on bail throughout the trial. There was previous enmity between the husband of the prosecutrix and the applicant-accused. Applicant-accused has given complaint with the police in the month of March, 2013 and the prosecutrix lodged complaint against the applicant-accused in May, 2013. She submitted that the learned Judge has committed error in appreciating this material fact. She submitted that the case of the prosecution speaks about black-mailing. However, no evidence of black-mailing or video clip was produced. She further submitted that the learned Judge has committed error in accepting showing various places by the accused as discovery under Section 27 of the Indian Evidence Act though no fact was discovered. She submitted that it is false implication and the applicant-accused has good case on merits.

2           The learned prosecutor opposes the application. He submitted that the applicant-accused has committed offence under Section 376(2)(n) of the IPC and the complainant was repeatedly raped.

3           Perused the judgment and evidence of the prosecutrix. Considered the submissions of the learned counsel for the applicant-accused. There is substance in the submissions. Applicant-accused was on bail throughout the trial. Hence, granted bail.

4           The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.50,000/-, with one or two sureties in

the like amount;

5           He shall be available for appeal.

6           He shall not leave India without permission of this Court and shall surrender his passport to the Court, if any.

**(MRS.MRIDULA BHATKAR, J.)**