

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 CRIMINAL APPLICATION NO. 4889 OF 2016

NASER S/O KALU PATEL

VERSUS

THE STATE OF MAHARASHTRA

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Mr. A.N.Kakade h/f Mr. M.P.Bhaskar,
Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 20th SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 88/2016 registered at Pishor police station, Pishor, Tq. Kannad, Dist. Aurangabad for the offences punishable u/ss 354 (C),376,324,506 read with 34 of the Indian Penal Code by this application is praying for releasing him on bail.

2. Heard the learned counsel for applicant. He submitted that as virtually the investigation is over, liberty can be restored to the applicant.

3. The learned A.P.P. opposed the application by contending that the crime in question is serious and the applicant had threatened the prosecutrix by making her nude photographs taken on the cell phone public.

4. Perused the charge sheet. The crime in question is registered on the basis of the report lodged by the prosecutrix on 24/07/2016. The applicant is cousin of the prosecutrix. He was staying at the house of the prosecutrix along with her family members. According to the prosecutrix, the applicant had taken her nude photographs while she was taking bath and then he started blackmailing her on that pretext. She further averred that she succumbed to the tactics played by the applicant and submitted herself to him. The F.I.R. also shows that the relations between the applicant and the prosecutrix came to the knowledge of her son by name Alim. The averments further go to show that then she requested her son not to disclose this fact to her father. It appears that there was quarrel between the husband of the prosecutrix and the applicant. Thereafter, the F.I.R. came to be lodged.

5. It is apparent that the relations between the prosecutrix and the applicant were continuing since last 3 years. The F.I.R. came to be lodged only after quarrel of the husband and the applicant, so also other relatives. The major part of investigation appears to be over.

6. Considering the nature of averments and the

evidence available against the applicant, I see no reason to refuse bail to him. Hence, the following order.

(i) The application is allowed.

(ii) The applicant Naser s/o Kalu Patel in Crime No. 88/2016 registered at Pishor police station, Pishor, Tq. Kannad, Dist. Aurangabad for the offences punishable u/ss 354 (C),376,324,506 read with 34 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

[A.M.BADAR, J.]