

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2437 OF 2016

Asif Rauf Shaikh

.....Applicant

V/s.

State of Maharashtra

At the instance of Shahu

Nagar Police Station

.....Respondent

* * * * *

Mr. Vikas Singh, Advocate for the applicant.
Smt. J.S. Lohokare, APP for the respondent, State.

CORAM :- N. W. SAMBRE, J.

DATED :- 5TH DECEMBER, 2016.

P.C. :-

1). The applicant is seeking regular bail in Crime No. 148 of 2016 for an offence punishable under Section 376 Indian Penal Code.

2). The complainant is the elder sister of the victim, Shaheen who is deaf and dumb. It is claimed that, under the pretext of marriage the present applicant has established physical relationship with the said victim for about six times resulting into registration of the crime.

3). Apart from absence of criminal antecedents, it is claimed by the learned Counsel for the applicant that, the applicant is entitled for bail as the investigation in the matter is already

complete. He would also urge that, there are differences between the applicant and the elder sister of the complainant on the issue of finances and as such the applicant is falsely implicated.

4). The learned APP opposes the claim on the ground that, prima-facie material, particularly the statement of the victim speaks of the applicant's involvement. It is then claimed that, there is prima-facie case made out.

5). Perused the investigation and the chargesheet. The medical report depicts of old tear of hymen. Apart from above, a fact is required to be taken note of that the victim was running an eatery which was visited by number of persons.

6). There are neither criminal antecedents nor any material is placed on record in the form of conversation such as SMS. The prima-facie involvement of the applicant is under doubt. Hence, the Bail Application is allowed.

7). In the event of arrest, the applicant be released on bail on furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.

8). The applicant to remain present before the Investigation Officer, as and when called.

9). The applicant shall not tamper with the evidence and/or influence the witnesses in any manner whatsoever.