

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1783 OF 2017

Bablu @ Salim Gulab Ansari vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms.Anjli Patil with Arun Rajput for the Applicant.

Mr. S.S.Hulke, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 31st January, 2018

P.C

1. This is an application under Section 439 of the Cr.P.C. for bail in in CR No. 101/2017 dated 22.4.2017 registered with RC Police Station, Mumbai under Sections- 376(d)(e), 341, 342, 354(a)(d), 506(2) of the Indian Penal Code.

2. The first information report is lodged by the victim girl who was aged about 16 years. With a view to protect the identify of the victim girl who was aged about 16 years and in consonance with the provision of Section 228A of the Indian Penal Code the name of the victim girl and the detailed narration of facts mentioned therein is hereby avoided.

3. It is the prosecution case in brief is that the principal accused Kiran Gaikwad and Ajay Waghmare initially abducted the first informant and forcefully took her to an isolated place and wrongfully confined her in a

shed. That, accused Ajay Waghmare locked the said room from outside and accused Kiran Gaikwad committed rape on the first informant. It is further alleged that accused Ajay Waghmare also did video shooting on his mobile phone of the said act and thereafter threatened the first informant of circulating the same on social media. It is alleged that the complainant received the said video clip on her mobile phone and by taking undue advantage of the said video clip he on certain occasions demanded sexual favours from the first informant to which the first informant refused. After the said fact came to the knowledge brother of the first informant the present crime is registered. During the course of investigation the applicant came to be arrested on 24.2.2015 and after completion of investigation the police have submitted charge sheet.

5. The record indicates that the role attributed to the applicant is that by taking undue advantage of the said video clip of the alleged act between prime accused Kiran Gaikwad and the informant the applicant on certain occasions demanded sexual favours from the first informant to which she refused. Apart from the said act, there is no overt act alleged against the applicant in the present crime. In view thereof, the applicant can be released on bail.

Hence, the following order.

(i) The applicant be released on bail in CR No. 101/2017 dated 22.4.2017 registered with RCF Police Station, Mumbai on his furnishing

PR bond of Rs. 25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the concerned Police Station on every 1st Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of trial.

(iii) The applicant shall also attend all the dates before the trial Court;

(iv) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(v) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)