

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 28 OF 2019

Ramzan Rohman Gazi	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Ms.Anjali Patil for Applicant.

Ms.J.S. Lohokare, A.P.P. for Respondent-State.

Mr.M.V. Shrirao, API, Vashi Police Station, Navi Mumbai.

CORAM : A.S. GADKARI, J.

DATE : 8th April 2019.

P.C. :

1] This is an application under Section 439 of the Code of Criminal Procedure for bail in C.R. No. 289 of 2018 dated 15/07/2018 registered with Vashi Police Station, Navi Mumbai, for the offence punishable under Section 376 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] The first information report is lodged by the prosecutrix herself.

It is alleged that she was having acquaintance with the applicant, as he used to collect rent of the room where she was residing with her cousin sister. It is alleged that on 13th July 2018 between 10:00 am to 10:30 am, the applicant entered into the house of the prosecutrix and committed forcible sexual assault on her. That the applicant also threatened the prosecutrix with dire consequences. In the premise, the first information report is lodged on 15th July 2018.

4] The learned counsel for the applicant submitted that there was dispute between the applicant and the cousin sister of the prosecutrix over supply of water and collection of rent and therefore, the applicant has been falsely implicated in the present crime.

5] The record *prima-facie* indicates that the medical report of the prosecutrix do not support the contention of forcible sexual assault. The Pathological Report pertaining to the swabs collected by the Investigating Agency is yet to be received from the Forensic Science Laboratory. It is submitted that there are no antecedents at the discredit of the applicant. The applicant is in jail since 15th July 2018 and the police have already submitted chargesheet.

6] In view thereof, the applicant can be released on bail.

Hence, the following order :-

- (i) The Applicant shall be released on bail in connection with C.R. No. 289 of 2018 dated 15/07/2018 registered with Vashi Police Station, Navi Mumbai, on his furnishing P.R. bond of Rs.25,000/- with one or two separate solvent local sureties in the like amount.
- (ii) After his release from Jail, the applicant shall attend all the dates before the trial Court, unless exempted by the concerned Court.
- (iii) In case of two consecutive defaults, the Prosecution is at liberty to file an application for cancellation of bail.
- (iv) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (v) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]