

Anand

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

BAIL APPLICATION NO. 1522 OF 2019

Rashid @ Imran Chand Qureshi .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Rakhee Dubey i/b. Kumar & Associates, Advocate, for the Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

Mr. S. D. Nikam, API, Uttan Sagari Police Station, Thane (Rural) present

CORAM : REVATI MOHITE DERE, J.

DATE : 05.08.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-83 of 2018 registered with the Uttan Sagari Police Station, Thane (Rural), for the alleged offences punishable under Sections 376, 377, 324 & 506 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that no offence as alleged by the Complainant has taken place. She submits that the

Complainant has falsely implicated the Applicant in the said case. Learned counsel for the Applicant submits that further detention of the Applicant is not warranted.

4. Learned APP opposes the Application.

5. Perused the papers. According to the prosecutrix, aged 24 years, she was alone in the house on the day of incident, as her husband had gone to the village and the children were staying with the maternal grandparents. She has stated that the Applicant, her neighbour asked her on 22.08.2018, if she was staying alone in the house, to which she replied in the affirmative. Pursuant thereto, the Applicant came to the prosecutrix's house at about 1.30 a. m. on 23.08.2018 in a drunken condition and had forcible intercourse with her. When the Complainant resisted the act, the Applicant is alleged to have assaulted her with a wooden rod on the right side of her eye and on the right cheek and threatened to kill her. The prosecutrix has in detail set out the manner in which the Applicant sexually assaulted her. Soon after the incident, the prosecutrix went to the police station and lodged a complaint as against the Applicant, on the very day i. e. 23.08.2018. The history given by the prosecutrix is consistent with the statement / FIR lodged with the police.

The prosecutrix has suffered injuries which have been spelt out in the medical examination and as such, are consistent with her allegation of assault by the Applicant.

6. Considering the material on record, this is not a fit case to enlarge the Applicant on bail. Hence, the Application is rejected.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)