

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

BAIL APPLICATION NO.2713 OF 2019

Syed Matin Syed Rashid	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Ms.Nagma Tandon, Advocate for the Applicant.

Mrs.A.A. Takalkar, APP for the Respondent – State.

Madhumati T. Shinde, PSI Chakan Police Station, Pimpri Chinchwad, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 03, 2020.

P.C. :

The applicant is arrested in connection with C.R.No.784 of 2019, registered with Chakan Police Station, Pimpri-Chinchwad, for the offences punishable under Sections 376, 354(A), 328, 344 and 506 of Indian Penal Code (“IPC”, for short).

2 Prosecution case is that on 11th May, 2019, FIR was lodged by the complainant who is a major lady aged about 27

years. According to the complainant, on 26th November, 2018, the applicant had visited the house of the complainant at Chakan. He was the Corporator. He told her that her mother is seriously ill and she has been admitted in hospital. He has come to take her to the hospital. She believed him and accompanied him with her two children in his four wheeler. Applicant took her cell phone and removed the SIM Card. He gave her water to drink. After drinking water, she felt dizziness. The accused gave her some tablet, which was consumed by her. Subsequently, she realised that she was taken to water park at Khandala. Her children were also with them. The children's were sent to play in the water park. Accused had forcible physical relationship with the complainant. He threatened her by pointing out revolver. Thereafter, he took her to Baramati on 28th November, 2018. He again gave her some tablet and again had physical relationship. Thereafter, she was taken to a town hall and kept in a room. She was repeatedly subjected to sexual assault. From 5th January, 2019 to 15th January, 2019, applicant and others subjected her to sexual assault and also outraged modesty.

3 Learned counsel for the applicant submitted that the case is false. There is delay in lodging the First Information

Report. There is no evidence to show that she was subjected to sexual assault from 5th January, 2019 to 15th January, 2019 by applicant and other accused. Assuming the allegations to be true, the version of the complainant depicts that it was consensual relationship.

4 Learned APP submitted that one more case under Section 376 of IPC is registered against the applicant. The applicant spiked water with stupefying substance, which was consumed by victim. She was sexually assaulted.

5 Learned counsel for the applicant submitted that in the other case registered under Section 376 of IPC, the applicant was granted bail by the High Court, Aurangabad Bench. The complainant therein had filed affidavit and her statement was recorded by the police that out of misunderstanding she had lodged the report.

6 FIR in the present case was lodged on 11th May, 2019. First incident had occurred on 26th November, 2018. It is also alleged that the victim was with the applicant at the water park from 26th November, 2018 to 27th November, 2018 and, thereafter

they went to Baramati on 28th November, 2018. It is also alleged that from 5th January, 2019 to 15th January, 2019, she was subjected to sexual assault by the applicant and other accused in a lodge. However, FIR was lodged on 11th May, 2019. The version of the complainant appears to be suspicious. Assuming that the allegations are true, it appears that the victim had accompanied the accused. She was in his company continuously for three days. Considering the factual aspect, case for grant of bail is made out.

7 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.2713 of 2019, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.784 of 2019, registered with Chakan Police Station, Pimpri-Chinchwad, on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report concerned police station once in a month on first Saturday of the month,

between 11:00 a.m. to 01:00 p.m., till further orders;

- (iv) Applicant shall not approach the victim and shall not tamper the prosecution evidence;
- (v) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)