

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

CRIMINAL BAIL APPLICATION NO.2899 OF 2019

Rahim Rafique Shaikh

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. V. V. Purwant, a/w. Rushikesh Kale, for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent-State.

API, Sonam M. Patil, Vitthalwadi Police Station, Thane City, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th March, 2020

P.C.:

1. This is an application for bail in connection with C.R.No. I-349 of 2018 registered with Vitthalwadi Police Station, Thane City, for offences punishable under Sections 354, 366, 376, 370, 465, 467, 468 of Indian Penal Code ("IPC" for short) and Sections 4, 5, 6, and 8, of Immoral Traffic (Prevention) Act, 1956.

2. The case of the prosecution is that the victim is from Bangladesh. She is aged about 32 year. She was induced to come to India in search of employment. After coming to India, she met one Suhag who kept her at the residence of Raju. The victim is taken into custody by Raju. Thereafter, Raju took her to the hotel.

She was subjected to sexual assault. It is further alleged that, the victim stayed with Raju for two days. While she was staying with Raju, the applicant was also staying with them. On 09th November 2018, the applicant told her that, he would take her to some other place and on believing him she accompanied him. They traveled by local train and arrived at railway station. The applicant had taken her to room premises and told her that she will have to stay in the house. Thereafter, applicant left the premises. One person entered into room and demanded sexual favour. He tried to force her into physical relationship. However, the victim pushed him and left the room. She met the police constable at the railway station. Applicant was also found at railway station. He was arrested. The statement of the victim was recorded. The statement of the victim was recorded under Section 164, indicates that the victim came across the police constable who was at railway station and she handed over her passport to them and informed them ordeal faced by her.

3. Learned counsel submitted that the, applicant is in custody from the date of arrest. There are no criminal antecedents against him. The applicant is not involved in commission of offence under Section 376 of IPC. The victim was subjected to sexual assault by the other accused. The applicant had allegedly taken the victim to the room premises. The applicant never demanded sexual favour

nor attempted physical relationship with the victim. The victim is major lady.

4. Learned APP submitted that the role of the applicant is apparent from the statement of the victim and statement of women police constable.

5. On perusal of the documents, it is apparent that the victim is a major lady aged about 32 year. She stayed with Raju. Thereafter, the applicant had allegedly taken her one other place. The overtact having committed the offence under Section 376 is not attributed to the applicant. In these circumstances, further detention of the applicant is not called for. Case for grant of bail can be made out.

ORDER

(i) Bail Application No.2899 of 2019 is allowed.

(ii) The applicant is directed to be released on bail in connection with C.R.No. I-349 of 2018 registered with Vitthalwadi Police Station, Thane City, on furnishing P.R bond in the sum of Rs.25,000/- with one or more local sureties in the like amount;

- (iii) The applicant shall report concerned police station once in a month on every first Saturday between 11:00 a.m. to 01.00 p.m. till further orders;
- (iv) The Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)