

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

CRIMINAL BAIL APPLICATION NO. 3273 OF 2019

Rais Zahir Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. S.V. Marwadi a/w Q.S. Kapasi a/w N.M. Nadar i/by
Mr. Vinod Mishra, Advocates for the Applicant.
Mr. S.R. Agarkar, APP for Respondent-State.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 13th FEBRUARY, 2020.

P.C.

Heard.

1. Applicant is seeking enlargement on bail in Crime No. I - 523 of 2017 registered with Kandivali Police Station for the alleged offences punishable under Sections 376(2)(n), 406, 420 of the Indian Penal Code, 1860 ("IPC" for short).

2. Complainant and victim, both are major and

married persons. Complaint dated 19th November, 2017 prima facie, suggests that the complainant voluntarily had accompanied the applicant from one place to another and further suggests, she had voluntarily submitted to his physical desires.

3. Learned APP has brought to my notice the supplementary statement of the complainant recorded on 26.11.2017. I have perused it. There is a mark improvement in the supplementary statement, besides additional allegations in the nature of inducing her to handed over ornaments with an intention to defraud her. Learned APP has therefore, relied on recovery panchanama showing alleged recovery of the ornaments.

4. I have perused the final report. As stated herein above, the complaint does not suggest that she was lured and/or forced by the applicant to submit to his physical desires. The complainant was 21 years old married lady when the complaint was filed and therefore was matured enough to understand the nature

and circumstances of the Act. Though the learned APP has pointed out the criminal antecedents, Mr. Marwadi, learned counsel for the applicant submits that in one of the crimes registered against the applicant, he has been granted the Anticipatory Bail and in another crime which was registered under Section 498-A of IPC, the disputes were settled.

5. Thus taking into consideration the nature of accusation, the evidence on record and additionally the fact that the trial may not commence in the near future, but since applicant's presence for the trial can be secured by imposing conditions, applicant is directed to be released on bail on the following conditions.

ORDER

(i) The applicant is directed to be released on bail on executing P.R. Bond for the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The applicant shall furnish the particulars of his residential address as well as permanent address and contact details to the investigating officer within seven days from the date of his release on bail;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

6. The application is allowed in the aforesaid terms and disposed off.

7. It is made clear that observations made hereinabove shall be construed as an expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP. K. SHINDE, J.)_