

ISM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 326 OF 2021**

MR. DAWOOD RAHIM SURVE

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Sumeet Vankadkar for the applicant

Mrs. J. S. Lohokare APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 15, 2021.

P.C.:

1] Applicant is seeking bail in C.R. No. 411/2020 registered with Shivaji Nagar Police Station, Mumbai for offence punishable under Sections 376, 376(3), 354(A), 354(D), 341 of the Indian Penal Code and under Section 4, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.

2] Prosecution case against the applicant is, applicant befriended victim on 29/07/2020 and under promise to marry, committed sexual assault.

3] At the behest of victim, another crime no. 325/2020 was registered with Mankhurd Police Station against other three accused persons wherein incident is alleged to be on very same day. Said accused persons are already released on 30/11/2021 in Bail Application No. 1292/2020.

4] It appears that victim or the informant has suppressed the aforesaid fact of registration of the offence from the Investigating Officer which speaks voluminous about the conduct of the victim.

5] Considering the material available on record viz. statement of victim under Section 164 of Code of Criminal Procedure, 1973, medical evidence and contents in the F.I.R. in C.R. No. 325/2020, in my opinion, false implication of the applicant cannot be ruled out. Hence, case for bail is made out.

(i) Applicant shall be released on bail in C.R. No. 411/2020 registered with Shivaji Nagar Police Station, Mumbai for offence punishable under Sections 376,

376(3), 354(A), 354(D), 341 of the Indian Penal Code and under Section 4, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 upon furnishing P.R. bond in the sum of Rs. 15,000/- with one or more sureties in the like amount.

(ii) Applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.

(iii) Applicant shall not establish contact, directly or indirectly, with the victim

6] Application stands disposed of.

[NITIN W. SAMBRE, J.]