

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

CRIMINAL BAIL APPLICATION NO. 381 OF 2021

Rahil Abdul Salam Tambe

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Mithilesh Mishra a/w. Mr. Ayaz Khan, Advocate for the Applicant.
Mrs. Veera Shinde, APP for the Respondent – State.
PSI- Rajan Dhuri Sakinaka Police Station.

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CORAM : PRAKASH D. NAIK, J.

DATE : 1st MARCH, 2021.

PC :

1. This is an application for bail in connection with C.R. No. 1387 of 2020, registered with RCF Police Station, which was transferred to Sakinaka Police Station registered vide C.R. No. 1328 of 2020 for offences punishable under Sections 376 (2) (n), 506 of IPC and Section 67(a) of Information Technology Act.

2. The applicant was arrested on 9th December, 2020. The case of the complainant as per the First Information Report (“FIR”) dated 30th November, 2020 is that she is aged about 22 years. She came across one person was talking her. She gave her name Raheel Tambe. There was friendship between them. He took her mobile phone. Both of them have exchanged their cellphone number. They

**RajeP.
Aher**

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started chatting on whatsapp. The accused promised that, he would marry her. In February, 2019 the accused was waiting outside her office. He told her that since he is going to marry her, they can have physical relationship. The complainant refused. Thereafter, he took her to friend's house and committed sexual intercourse with her. On several occasion, there was physical relationship between them. In 2019, the accused called her at Sakinaka Metro Police Station and took her to his friend's house. He broke her cellphone by banging it on floor.

3. Learned counsel for the applicant submits that the entire case is false. The applicant has been falsely implicated in this case. Assuming that allegations are true, it appears that the relationship was of consensual nature. The victim is not traceable.

4. Learned APP submitted that the investigation is completed and charge-sheet is filed. The statement of the victim could not be recorded under Section 164 of Cr.PC. Victim is not cooperating. She is not traceable. It is further stated that on instruction from the officer present in the Court, that victim has not provided her address.

5. Assuming that the allegations are true, the case of the complainant is that she was acquainted with the accused, there was

friendship. They had established physical relationship. The applicant is in custody for substantial period of time. Considering factual matrix of the case, further detention of the applicant, is not called for.

6. Hence, I pass the following order.

ORDER

- i) Bail Application No. 381 of 2021, is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 1387 of 2020, registered with RCF Police Station, which was transferred to Sakinaka Police Station vide C.R. No. 1328 of 2020 on executing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more sureties in the like amount;
- iii) The applicant shall attend Trial Court regularly on the dates of hearing of the case unless exempted by the Court.
- iv) The applicant shall report concerned police station once in three months on every first Saturday of the month between 11.00 am. to 1.00 pm. till further order.

- v) The applicant shall provide his permanent address to the investigating officer as soon as he is released on bail;
- vi) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)