

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

CRIMINAL BAIL APPLICATION NO. 409 OF 2021

Amar Bashir Bashinde

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Aniket Nikam i/b Mr. Vivek Arote, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

Mr. B. M. Sule, PSI, Kasarwadavli Police Station, Dist. Thane.

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CORAM : PRAKASH D. NAIK, J.

DATE : 12th MARCH, 2021.

PC :

1. The applicant is arrested on 14th October, 2020 in connection with C.R. No. 256 of 2020 registered with Kasarvadavali Police Station for the offences punishable under Sections 376, 506 and 509 of Indian Penal Code, 1860 (IPC).

2. The First Information Report (FIR) was lodged on 14th October, 2020 by victim, aged about 30 years. According to her, she is a married lady. She got acquainted with applicant on facebook in September, 2019. The applicant had established sexual relationship with victim. Under coercion, victim was subjected to physical relationship on several occasion. The complaint was lodged in October, 2020.

3. The contention of the applicant is that the case is false. Assuming that the allegations are true, the relationship was of consensual nature. The complainant is a major women. The applicant is in custody for substantial time, further detention is not necessary.

4. Learned APP relied upon the version of victim and the statements of witnesses. From September, 2019 the victim was acquainted with the applicant. There was physical relationship between them on several occasion. Prima-facie contents of FIR indicate that the relationship was of consensual nature. Further detention of the applicant, is not necessary.

ORDER

- i) Bail Application No. 409 of 2021, is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 256 of 2020 registered with Kasarvadavali Police Station 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 Investigating Officer once in three months on every first Saturday

between 11.00 am. to 1.00 pm.till further order.

- iv) The applicant is permitted to furnish provisional Cash Bail Security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety;
- v) The applicant shall not approach the complainant and shall not tamper with the evidence;
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)