

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

BAIL APPLICATION NO. 1289 OF 2021

Wasid Mohd. Yakub Khatri@ Abdul Wasid	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Husen Shaikh, Advocate for the Applicant.
Mr. A. R. Kapadnis, APP for the Respondent – State.
Mr. Warade (P. I.) Versova Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 8th APRIL, 2021

PER COURT:

1. The applicant was arrested on 16th November, 2020 in connection with C.R. No. 414 of 2020 registered with Versova Police Station, Mumbai for offences under Section 376, 376(2)(n), 328, 506 of Indian Penal Code (for short "IPC").
2. The complainant is lady aged about 24 years. According to her she got acquainted with the applicant in 2016. Thereafter, they become friends. There was friendly relationship between them. In 2018, the complainant was taken to the house of the friend of applicant. She was given cold drink. After consuming it, she felt dizziness. She went to sleep. Subsequently, she realized that she was not feeling well. The accused subjected her to physical relationship.

The video recording was conducted. she was threatened that the recording would be made viral.

3. Learned advocate for the applicant submitted that the applicant had divorced his wife. The statement of witness Mohammed Nurul Huda Khan was recorded during the course of investigation. In the said statement it is mentioned that marriage between the applicant and complainant was performed by the said witness who acted as Kazi.

4. Learned APP submitted that the applicant was a married person. False promises were given to the complainant. She was induced to have physical relationship.

5. From the tenor of the FIR it is apparent that the applicant and the complainant were in relationship. It is consensual relationship. The FIR has been registered after a period of about two years from the date of first incident. The statement of the witness also indicates that there was marriage between the applicant and complainant. Investigation is completed. Charge-sheet is filed. Further detention of the applicant is not necessary. Bail can be granted to the applicant.

ORDER

(i) Criminal Bail Application No. 1289 of 2021 is allowed;

- (ii) The applicant is directed to be released on bail in connection with C.R. No. 414 of 2020 registered with Versova Police Station, Mumbai on executing P.R. Bond in the sum of Rs.25,000/- with one or more local sureties in the like amount;
- (iii) The applicant shall furnish the details of his residence after he is released on bail to the Investigating Officer.
- (iv) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason.
- (v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)