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

BAIL APPLICATION NO. 1353 OF 2021

Mr.Savon Azahar Souwladar @
Saon Howladar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. A.M.Moorthy for the Applicant.

Mr. A.A.Palkar, APP for the Respondent -State.

.....

CORAM : V.G.BISHT, J.

RESERVED ON : 18TH NOVEMBER, 2021

PRONOUNCED ON : 29TH NOVEMBER, , 2021

PC:-

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 286 of 2020 registered with N.R.I.Sagari Police Station, Navi Mumbai for offence punishable under Section 376 (2) (n) read with 34 of the Indian Penal Code (the IPC).

2. It is the case of prosecution that the informant /victim is a native of Bangladesh. She was knowing accused Bilal,

who is also resident of Bangladesh. Bilal's friend Siraj, who is also an accused, suggested informant / victim to come to Bombay along with him and that he would arrange a job for her in a beauty parlor. Accordingly, she reached Mumbai. Informant/ victim and Siraj started residing at applicant's residence. It is alleged that both of them sexually assaulted informant/victim in a different hotels and lodges. Later on, accused Rahul also joined and he also exploited the informant/ victim sexually. On 21st October, 2021, two persons approached her and offered help. They were from Rescue Foundation. Later on, she accordingly filed the First Information Report (FIR).

3. Mr. Moorthy, learned Counsel for the applicant, submits that although it is alleged in the FIR that the informant/ victim was sexually assaulted number of times but no report ever was lodged with the police. Except bare statement of the informant/ victim, there is nothing to show the involvement of applicant. In such circumstances, the applicant deserves to be enlarged on bail.

4. Mr. Palkar, learned APP, on the other hand, fairly invited my attention to the statement of informant/ victim recorded by learned Judicial Magistrate First Class, 3rd Court, Panvel and would submit that the name of applicant is nowhere disclosed in her statement given before the learned Magistrate. However, the applicant being Bangladeshi, an appropriate order may be passed.

5. Perused investigation papers. Although the informant/ victim has given the name of four accused in her statement which includes present applicant but the statement recorded under Section 164 of the Code of Criminal Procedure on 29th October, 2020 by learned Judicial Magistrate First Class, 3rd Court, Panvel nowhere reveals the name of applicant. No role is attributed to the applicant or for that matter, the applicant exploited her sexually along with other accused.

6. In view of above, the applicant has made out a case for bail. Hence, the following order :

ORDER

(i) Applicant- Savon Azahar Souwladar @ Saon Howladar shall be released on bail in C.R. No. 286 of 2020 registered with N.R.I. Sagari Police Station, Navi Mumbai on his executing PR. Bond in the sum of Rs. 20,000/- with one or two sureties in like amount.

(ii) The applicant shall not tamper with prosecution evidence.

(iii) The applicant shall attend the Court proceedings regularly.

(iv) Bail before trial Court.

(v) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(vi) The application is allowed in the aforesaid terms and disposed of accordingly.

(V.G.BISHT, J.)