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

CRIMINAL BAIL APPLICATION NO. 2396 OF 2021

BABAR ABDUL BASHED ALI

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Angad R. More advocate for the Applicant

Ms. A. A. Takalkar APP for the State

Mr. Tanaji Patil, PSI, Vanrai Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: 27th OCTOBER, 2021.

P.C.:

1] Applicant is seeking regular bail in C.R. No. 194/2019 registered with Vanrai Police Station for offence punishable under Sections 376, 328, 506 r/w 34 of the Indian Penal Code and Section 67 (c) of the Information Technology Act.

2] Applicant was arrested on 01/09/2019 in the aforesaid crime. Prosecution story against the applicant is, complainant lady was already married and in view of discord, she was residing with her parents. In view of her ill health, she consulted various doctors,

however, there was no improvement. At the instance of co-accused Bramhdeo it is claimed that complainant was asked to marry the applicant. It is claimed by the complainant that she was made to consume beer and taking undue advantage of said situation which was videographed, she was asked to marry the applicant. It is claimed that applicant subjected complainant to sexual assault and that being so, offence in question.

3] The fact remains that alongwith applicant, complainant travelled from places to places and also lived in the company of the applicant for quite long time.

4] Incident is claimed to have occurred in March 2017 whereas there is delay of about 2 years in lodging F.I.R. as complaint was lodged on 20/08/2019.

5] Cellphone recovery does not depict alleged video shoot which was used for blackmailing the complainant so as to forcing her to marry the applicant.

6] As stated above, complainant accompanied the applicant to Nagpur in Maharashtra, Malda in West Bengal and stayed with him.

7] There is no medical evidence available on record justifying the case of prosecution.

8] That being so, case for grant of bail is made out.

(i) Applicant be released on bail in C.R. No. 194/2019 registered with Vanrai Police Station for offence punishable under Sections 376, 328, 506 r/w 34 of the Indian Penal Code and Section 67 (c) of the Information Technology Act upon furnishing P.R. bond in the sum of Rs. 25,000/- with one or two/more sureties in the like amount.

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

(iii) Applicant shall stay out of vicinity of Kokani Pada, Triveni Nagar, Kurar Village Malad (East), Mumbai, till conclusion of trial.

(v) Applicant shall furnish the details of his residence after he is released on bail to the Investigating Officer.

(vi) Applicant shall not approach the complainant/victim.

9] Application stands disposed of.

[NITIN W. SAMBRE, J.]