

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.764 OF 2022

Sartaj Rahmatulla Mansuri .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Vikram Singh for the Applicant.
Mr.S.H.Yadav, A.P.P. for the State/Respondent.
PSI P.M. Rasam, attached to Malad Police Station, present.

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CORAM: BHARATI DANGRE, J.
DATED : 09th NOVEMBER, 2022

P.C:-

1. The applicant faces charge under Sections 328, 376, 379, 504, 506(2) of IPC and under Sections 66(e), 67, 67(a) of I.T.Act. In connection with the subject C.R., the applicant came to be arrested on 13/09/2017..

A complaint is filed by the prosecutrix, aged 26 years, who allege that on a particular day i.e. three months prior to the date of lodging of F.I.R., she crossed path with the applicant and he offered her a drink. On consuming it, she felt giddy and she was taken to a room by the applicant. It is alleged that she was unconscious for almost two to three hours and when she gained her senses, she found herself in a room in the company of the applicant. It is alleged that against her wishes, he

committed forcible sexual intercourse with her and threatened her to accompany him, else he would make the video recording viral. It is alleged that he committed forcible sexual intercourse with the prosecutrix and forwarded a video clip to her husband and to one another witness. This resulted in registration of the subject C.R.

2. When specifically asked, whether the video clips were retrieved, learned A.P.P. states that the mobile phones have been forwarded for analysis and the report is awaited. It is more than five years, since the alleged offence took place and the prosecution has not bothered to obtain the report of the analysis. The accusations faced by the applicant, though serious in nature, must be proved during the trial. Till date, even the charge has not been framed and it is informed by the learned A.P.P. that for framing of charge, the matter is scheduled on 15/11/2022.

3. Considering the nature of accusations levelled in the charge-sheet and the long period of incarceration of the applicant for more than five years, when the prosecution has not been able to fetch the analysis of the mobile phones of the applicant as well as that of prosecutrix's husband, where the videos are alleged to have been recorded and further transmitted, and the further likelihood of delay in trial, as the prosecution intends to examine 21 witnesses, I deem it appropriate to release the applicant on bail. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant - Sartaj Rahmatulla Mansuri shall be released on bail in connection with C.R.No.353 of 2017 registered with Malad Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall mark his attendance before the concerned police station on first Monday of every trimester between 3.00 p.m. to 5.00 p.m. till framing of charge and, thereafter, shall abide by the directions issued by the trial Court.
- (d) The applicant shall not establish contact with the prosecutrix in any manner and on receipt of any such complaint by the prosecutrix, the prosecution is permitted to move an application for cancellation of bail.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(SMT. BHARATI DANGRE, J.)