

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

BAIL APPLICATION NO.1116 OF 2022

Sachin Prakash Jadhav

...Applicant

Versus

The State of Maharashtra and
Anr.

...Respondents

...

Mr. Dhananjay D. Rananaware with Manjeet Lotankar for the Applicant.
Ms G.P. Mulekar, APP for Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th AUGUST, 2022.

P.C.:-

1. Not on board. Upon being mentioned on the ground of urgency, taken on board.

2. This is an application under Section 439 of Cr.P.C. for bail filed by the aforesaid Applicant, who has been arrested in Crime No.208 of 2021 registered with Shirval Police Station, District-Satara, for the offences punishable under Sections 363, 376, 452, 504, 506 and 511 r/w. 34 of the IPC and Sections 4 and 25 of the Arms Act.

3. Heard Mr. Rananaware, learned counsel for the Applicant and Ms Mulekar, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned

counsel for the respective parties.

4. The FIR, which was lodged by the prosecutrix prima facie reveals that the co-accused Taiyab Shaikh, who had disclosed his name to the prosecutrix as Samir Shaikh had called the prosecutrix on her mobile and later proposed to marry her. He had visited her house and discussed the marriage proposal with the mother of the prosecutrix. The FIR prima facie reveals that the prosecutrix had accompanied the accused No.1-Taiyyab Shaikh to a Darga and later they had gone to a lodge and had sexual relationship. The prosecutrix claims that the physical relationship was against her wish and without her consent. She has alleged that the co-accused had taken her nude photographs and he had sexual relationship with her under the threat of making the said photographs viral.

5. On 29/05/2021, mother of the prosecutrix had phoned the co-accused. The phone was picked up by one lady, who had disclosed that she was the wife of Tiyyab Shaikh. The prosecutrix and her mother realised that the co-accused had falsely stated his name as Samir Shaikh and that he was already married. The FIR further reveals that even thereafter in the month of July-2021 the prosecutrix had accompanied the co-accused- Taiyyab Shaikh to Akluj, allegedly because of the threats given by the co-accused.

6. The only allegation against the present Applicant is that on 28/09/2021 he had come along with the co-accused to the house of the prosecutrix and had forcibly tried to abduct her from the house. She had stated that when she and her mother shouted for help and when the neighbours gathered, the co-accused-Taiyyab Shaikh and his friends ran away from the spot. It is stated that the Applicant had been identified by the mother of the prosecutrix.

7. The Applicant herein is not involved in committing rape. The only allegation against him is that he had attempted to abduct the prosecutrix. The offence under Section 363 of the IPC is a bailable offence. It is also stated that the main accused, who had allegedly raped the prosecutrix under the threat of making her photographs viral, has been released on bail. Moreover, the other co-accused, who were also involved in attempting to abduct the prosecutrix have been released on bail.

8. Considering the above facts and circumstances, in my considered view this is a fit case for grant of bail. Hence, the application is allowed on the following terms and conditions:-

- (i) The Applicant, who is facing trial in Sessions Case No.188 of 2021 on the file of learned Extra Joint District Judge, Satara, shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall attend the case regularly.
- (iii) The Applicant shall not tamper with the prosecution evidence and /or influence the witnesses in any manner.
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

9. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)