

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1572 OF 2022

Mohd. Wasim Samiullah Maniyar .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.F.A. Sothe for the applicant.

Ms. Veera Shinde, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 6th OCTOBER, 2022

P.C:-

1 The applicant came to be arrested on 6/06/2021 on the complaint of the prosecutrix, aged 19 years when she accuse the applicant of committing forcible sexual intercourse with her. On perusal of the complaint, it can be seen that, she became acquainted to the applicant aged 22 years and a bond of friendship developed between them, which converted into a love affair. They decided to get married and the applicant is alleged to have ensured that after the marriage of his sister the marriage will be solemnized. She however state that since there was failure to perform the marriage, she lodged the report, pursuant to which the applicant was arrested.

2 Today the complainant is present in the court, and she has tendered an affidavit, wherein she admit that she was in love relationship with the applicant and since he left Mumbai and proceeded to his native place, and his mobile phone was not

reachable, she assumed that she was cheated and hence she filed the complaint.

In paragraph no. 3 of the affidavit she had made the following categorical statement:

“3. I say that now I have been approached by the parents of the applicant/accused that the applicant has agreed to marry me and I am also interested in continuing with the relationship and I am also interested in marrying the applicant/accused as I am also still in love with him”.

The affidavit is taken on record and marked as X for identification.

3 In the wake of the aforesaid, since the applicant intend to perform marriage with the complainant and she has categorically stated that she is still in love with him, I deem it appropriate to release the applicant on bail subject to the stipulation that on his release, within a period of 4 weeks the marriage shall be solemnized.

4 The liberty is given to the prosecution as well as the complainant to move an application for cancellation of bail in case the said undertaking in the form of the affidavit is not complied.

5 Hence the following order:

: ORDER :

- (a) Application is allowed.

- (b) Applicant -Mohd. Wasim Samiullah Maniyar shall be released on bail in connection with C.R.No. 381 of 2021 registered with Kurla 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 report to the concerned Police station as and when called directed by the Investigating Officer.
- (d) 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.
- (e) On being released on bail, the applicant shall give his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) The applicant shall solemnize marriage within a period of 4 weeks, and submit the proof/certificate/Nikanama of registration of marriage.

(SMT. BHARATI DANGRE, J.)