

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1699 OF 2022

Tipu Bharti Javed Hussain] ... Applicant

Vs.

The State of Maharashtra] ... Respondent

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Mr. Niranjan Mundargi with Ms. Keral Mehta i/b Falcon Legal
with for the applicant.

Ms. Anamika Malhotra, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 04TH JULY, 2022.

P.C.:-

1. In furtherance of the order dated 15/06/2022, the applicant, who is presently housed in Taloja Central Prison has tendered an affidavit. The affidavit is sworn in the presence of the jailer on 22/06/2022. The same is taken on record and marked 'X' for identification.

2. In the said affidavit, the applicant has made the following statement.

“3. I state and submit that I am ready and willing to marry SARITA KARAMVEER PIWAL. I undertake to get married to SARITA KARAMVEER PIWAL in an expedited manner as soon as I am released on Bail.

4. I state and submit that my family members are also ready for my marriage with SARITA KARAMVEER PIWAL. Further, the family of SARITA KARAMVEER PIWAL has also agreed for the marriage.”

3. The applicant has already filed a writ petition before this court for quashing of the FIR on 10/11/2021.

4. The applicant came to be arrested on 11/11/2021. On completion of investigation of the C.R. No.I-665 of 2021 registered at the instance of the complainant, invoking Sections 376, 376(2)(n), 417, 323, 504, 506 of the IPC and Section 66(e) of the Information Technology Act, 2000, the charge-sheet has been filed.

5. Looking to the nature of accusations and, particularly, when the occurrence of the offence is from 10/11/2021 till 02/02/2022, the complainant and the applicant being two major persons, have now decided that they shall enter into a relationship of marriage. The applicant undertakes that on his release, he will get married to the complainant and even the complainant accorded her no objection for quashing of the FIR.

6. In the wake of the above, the applicant deserves his release on bail, subject to the stipulation that he shall abide by the undertaking given in the affidavit dated 22/06/2022. If it is specifically brought to the notice of the Investigating Officer by the complainant that he has not adhered to the said promise, the prosecution/complainant is at liberty to seek cancellation of the bail on the said ground. Hence, the following order:

ORDER

- (a) The applicant – **Tipu Bharti Javed Hussain** shall be released on bail in C.R. No.I-665 of 2021 registered with Manpada Police Station Police Station, District Thane on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of four weeks in lieu of surety.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(d) The applicant shall attend the trial regularly unless exempted.

7. The application is allowed in the aforestated terms.

8. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]