

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

CRIMINAL BAIL APPLICATION NO. 1951 OF 2022

Irfan Ismail Shaikh	...Applicant
Versus	
State Of Maharashtra	...Respondent

....

Mr. Niranjan Mundargi a/w Mr. Satyam H. Nimbalkar a/w Mr. Abhishek U. Arote a/w Mr. Omnil Jadhav, Advocate for the Applicant.
Mr. N. B. Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 14th OCTOBER, 2022.

PER COURT:

1. The applicant is arrested on 5th January, 2022 in connection with C.R. No. 01 of 2022, registered with Lonawala City Police Station for offence under Sections 376(2)(n), 323, 504, 506 Indian Penal Code.
2. The complainant is aged around 22 years. It was alleged that the applicant/accused had induced her to maintain physical relationship. Both of them were acquainted with each other from 13th January, 2019. They visited several places. There was physical relationship between them. The victim wanted to marry someone else. The applicant/accused intervene and broke the marriage.
3. It is submitted that the relationship is of consensual nature. The victim is married to some other person. The applicant is in custody for substantial period time. Further custody is not

required .

4. Learned APP submitted that the overt act has been attributed to the applicant. The victim was subjected to physical relationship. There are criminal antecedents against the applicant.

5. From the tenor of First information report it can be seen that the case of the complainant is false promises of marriage were made by the accused and subjected her to physical relationship. The incident had occurred during a period of 2019 to 2021. First information report also indicate that the accused and the victim visited lodge where she was subjected to physical relationship. The relationship is apparently consensual. The victim was major girl. Charge-sheet is filed. Further detention is not necessary.

ORDER

- i. Criminal Bail Application No. 1951 of 2022 is allowed;
- ii. The applicant is directed to be released on bail in connection with C.R. No. 01 of 2022 registered with Lonawala City Police Station on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of eight weeks in lieu of

surety.

iv. The applicant shall report concerned Police Station on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

v. The Applicant shall not approach the victim and cause harassment to her in any manner.

vi. In the event of breach of any conditions, the prosecution/complainant will be at liberty at to prefer an application for cancellation of bail.

vii. Application stands disposed off.

(PRAKASH D. NAIK, J.)