

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

BAIL APPLICATION NO. 2866 OF 2022

Manish Kumar Bansal ...Applicant
Versus
The State Of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION NO. 3628 OF 2022
IN
BAIL APPLICATION NO. 2866 OF 2022**

Manish Kumar Bansal ...Applicant
Versus
The State Of Maharashtra ...Respondent

Senior Advocate Abad Ponda a/w Prerak A. Sharma a/w
Adv. Vaibhav Kulkarni a/w Adv. Rohit P. Mahadik a/w Adv.
Rushikesh G. Bhagat a/w Adv. Apoorva Khandeparkar a/w
Adv. Nihir U. Dedhia a/w Adv. Saurabh Mittal i/b Prerak A.
Sharma for applicant.
Mr. Kocharekar ii/b Rajeev Sawant and Associates for
intervener.
Mr. N.B. Patil for APP

CORAM: M. S. KARNIK, J

DATED: DECEMBER 9, 2022

PC:-

1. Heard learned senior advocate for the applicant,
learned counsel for the intervener and learned APP for the
Investigating Officer/State.

2. This is an application for bail filed by applicant - Manish Kumar Bansal, in connection with C.R. No. 0772 of 2022 registered with Nirmal Nagar Police Station, for the offence punishable under sections 377, 376D, 420, 506, 354, 511, 120-B and 34 of the Indian Penal Code, 1860.

3. At the outset learned counsel for the intervener tendered an affidavit duly signed by the respondent/informant stating that she does not wish to oppose the bail application for the reasons stated therein. Learned counsel for intervener submits that the informant has taken a conscious decision and does not wish to continue the prosecution of C.R. No 0772 of 2022 which was lodged at her instance.

4. Nonetheless I have gone through the allegations in the First Information Report (hereafter 'FIR', for short). Learned APP vehemently opposed the application. In view of the affidavit which is filed I do not wish to state all the facts, as mentioned in the FIR. Considering the delay in lodging FIR from the distance of time when the first incident is alleged and upon going through the narration, I am, *prima facie* of the opinion that this is a case of consensual

physical relationship. I do not wish to elaborate now that an affidavit has been filed by the informant. The applicant is in custody from 26/07/2022. The charge-sheet is already filed. The investigation is complete. No criminal antecedents are reported. There is nothing to indicate that the applicant is a flight risk. Further custody is not necessary. Hence the following order.

ORDER

(A) The Applicant – Manish Kumar Bansal shall be released on bail in connection with C.R. No. 0772 of 2022 registered with Nirmal Nagar Police Station, on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(B) The applicant shall report to the concerned police station as and when called.

(C) 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.

(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.

- 5.** Application is disposed of.
- 6.** Interim Application does not survive, hence disposed of.

(M. S. KARNIK, J.)