

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPEAL NO. 222 OF 2021

Shaikh Mohasin Shaikh Pashu,
Aged about 28 years, Occu. - Labour,
R/o Gaibipura, Risod,
Tahasil Risod, District Washim.

.... **APPELLANT**

// **VERSUS** //

- 1) State of Maharashtra,
through P.S.O., Risod,
Tahasil Risod & Distrist Washim.
- 2) XYZ (Victim)
Complainant/Informant
in Crime No. 312/2021 registered
with Police Station, Risod,
Distt. Washim.

.... **RESPONDENTS**

Mr. Parijat Pande, Advocate for Appellant.
Mr. I.J. Damle, Additional Public Prosecutor for Respondent No.1

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATED : 21.07.2022

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Heard Mr. Parijat Pande, learned counsel for the Appellant
and Mr. I.J. Damle, learned Additional Public Prosecutor for
Respondent No.1. Nobody is present for the Respondent No.2 though

duly served with notice. The Respondent No.2 has also been granted sufficient opportunity to submit her say in the matter but, she has not availed of the same.

2. **Admit.** Heard finally by consent of the learned counsel appearing for the parties.

3. We are of the view that in the circumstances alleged in the First Information Report (FIR) filed by the Respondent No.2 against the Appellant, it would be difficult for this Court to allow continuance of detention of the Appellant in jail. There is an admission given by the Respondent No.2 that she was in relationship with the Appellant for about seven years. At the time when the FIR was lodged, the Respondent No.2 was major. The relationship appears to have continued even after the Respondent No.2 attained majority.

4. Moreover, custodial interrogation of the Appellant is not required. In fact, it appears, by now the investigation must have been completed.

5. In view of above, we are inclined to allow the appeal.

6. The Appeal is allowed.

7. The impugned order dated 25.05.2021 passed by Additional Sessions Judge, Washim in Criminal Bail Application No. 188 of 2021 is hereby quashed and set aside.

8. It is directed that the Appellant – Shaikh Mohasin Shaikh Pashu be released on bail on furnishing PR. bond of Rs.25,000/- (Rs. Twenty Five Thousand only) together with one solvent surety in the like amount on the conditions that the Appellant shall not tamper with the prosecution witnesses and shall co-operate with the Trial Court in expeditious conclusion of the trial and shall not seek any adjournment or remain absent except on the ground beyond his control.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Kirtak