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

BAIL APPLICATION NO.274 OF 2023

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Anurag Singh Baghel

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Omprakash Parihar for the applicant.

Mr. P.H. Gaikwad, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 1, 2023

PC.:

1. This is an application under Section 439 of the Criminal Procedure Code, 1973 seeking bail in connection with C.R. No.140 of 2022 dated 30 August 2022 registered with Nava Sheva Police Station, Navi Mumbai for offences punishable under Sections 376(2)(N), 313, 342, 323, 504 and 506 of the Indian Penal Code, 1860.

2. According to prosecution, the accused persons had forcible sexual relationship with the applicant from 10 May 2022 till 28 August 2022. According to the informant, initially accused No.1 performed sexual intercourse with the informant. Thereafter, remaining two accused persons had also forcible sexual intercourse with the informant. On 15 July 2022, she realized that she was pregnant. The accused persons refused to accept responsibility of

pregnancy. According to her, she was forced to consume abortion pills by accused No.3. Applicant's refusal to perform marriage resulted in lodging of the first information report.

3. The informant's statement under Section 164 of the Criminal Procedure Code, 1973 has been recorded. She stated that all three accused apologized for the acts committed by them and requested her not to lodge prosecution. According to he, accused No.3 (applicant) performed marriage with her in the temple. The informant forced him to perform marriage in Court.

4. On perusal of the material on record, it appears that accused No.2 has been released on bail by this Court by order dated 23 March 2023. Accused No.1 has been released on bail by the Apex Court in Special Leave to Appeal (Crl.) No.5308 of 2023 by order dated 26 July 2023. Therefore, considering the role attributed to the accused persons, the applicant deserves to be released on bail on parity. Hence, following order:

- a) The bail application is allowed;
- b) The applicant be released on bail in connection with C.R. No. C.R. No.140 of 2022 dated 30 August 2022 registered with Nava Sheva Police Station, Navi Mumbai for offences punishable under Sections 376(2)(N), 313, 342, 323, 504 and 506 of the Indian Penal Code, 1860 on furnishing P.R. Bond in the amount of Rs.25,000/- along with one or two sureties in the like amount;
- c) The applicant shall mark his presence before the concerned police station on first Saturday of every month between 11.00 a.m. to 2.00 p.m.;

- d) The applicant shall remain present before the Trial Court on each and every date unless specifically exempted by the Court;
 - e) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court;
 - f) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
 - g) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
- 5.** The bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)