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

**BAIL APPLICATION NO. 2754 OF 2022
(THROUGH JAIL)**

Abrar Imail Siddique ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. N.M. Nadar, for the Applicant.
Ms. A. A. Takalkar, APP for the State.
PSI- Mr. Ashok Patil, Malvani Police Station.

CORAM : M. S. KARNIK, J.

DATE : MARCH 2, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail through jail in respect of C.R.No. 477 of 2018 dated 09/07/2018 registered with Malwani Police Station for the offence punishable under sections 376, 506 of the Indian Penal Code, 1860.
- 3.** The applicant is in custody for more than 4 years and 7 months. The charge has been framed but witnesses are yet to be examined. 10 witnesses are likely to be

examined. The trial may take some time to conclude. So far as accusations are concerned, the applicant at the relevant time was 24 years of age and the prosecutrix was 20 years of age. The applicant and the prosecutrix met some time in January 2017. It is alleged that the applicant had forcible physical relations with the prosecutrix some time in November 2017. The FIR is filed only on 09/07/2018. According to the prosecutrix, the applicant had threatened her that the applicant would cause harm to her sister and brother if his sexual demands are not met. Thereafter the applicant had agreed to marry the prosecutrix but avoided doing so. In the medical history, it is recorded that the applicant and the prosecutrix were in love relationship and that he had physical sexual relations with her on multiple occasions. Prima facie, it appears that relations between the applicant and prosecutrix were consensual in nature. The applicant is in custody for more than 4 years and 7 months. The charge-sheet has been filed. The investigation is complete. There are no criminal antecedents reported against the applicant. Hence, the

following order.

ORDER

(a) The application is allowed.

(b) The applicant –Abrar Imail Siddique in connection with C.R. No. 477 of 2018 dated 09/07/2018 registered with Malwani Police Station shall be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 8 weeks in lieu of surety.

(d) The applicant shall not enter the area of Malvani Police Station till the trial is concluded except for the purpose of reporting the investigation officer and shall not make any attempt to contact the prosecutrix.

(e) The applicant shall report to the investigating officer once in two months i.e. on first Monday of every alternate month between 11.00 a.m. and 1.00 p.m.

(f) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(g) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer of the concerned Police Station and shall keep him updated, if there is any change.

5. The application is disposed of.

6. I appreciate the assistance rendered by Mr. N.M. Nadar, learned advocate, who was requested to appear on behalf of the applicant.

(M. S. KARNIK, J.)