



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

BAIL APPLICATION NO.1044 OF 2023

AKSHAYKUMAR SUKHDEV MAHTO ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Sujit B. Shelar a/w. Adv. S. S. Shingade, Adv. P. P. More
for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 24, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** This is an application for bail in respect of the offence punishable under Sections 376D, 323, 328 read with 34 of the Indian Penal Code (hereafter 'IPC' for short), registered vide C.R. No.1188/2022 with Santacruz Police Station. The applicant was arrested on 22/11/2022. The date of the incident is 20/11/2022.
- 3.** The applicant was working along with the complainant in a jewellery shop. In the statement under Section 164 of the Code of Criminal Procedure, the complainant stated that

she married in 2019. She knew one of the co-accused named Arvind. Arvind asked her to accompany him on 20/11/2022 for a stroll at around 9.50 p.m. The complainant indicated her willingness whereupon she alongwith co-accused Arvind and the present applicant went to Bandra. It is then stated that Arvind as well as the applicant gave her some cold-drink. The complainant suspected that there was something wrong with the cold-drink. The complainant started vomiting. She felt giddy. The co-accused Arvind and the applicant assured the complainant that they will drop her home. After accompanying them for sometime, the applicant left. Co-accused Arvind and the complainant went together. The allegation thereafter is against co-accused Arvind and the other accused about forcible sexual assault which is an offence under the aforesaid sections. There is no allegation of sexual assault or anything further in so far as the present applicant is concerned. The allegation is that the applicant had accompanied the co-accused Arvind and the complainant till the building. No doubt, there is an allegation that the co-accused Arvind and the applicant offered her something to drink which she suspected to be

spiked with some substance. However, the serious allegations are mainly against the co-accused Arvind and others.

4. Learned APP opposed the application for bail.

5. Considering the role of the applicant and as the applicant is in custody almost for nine months with no possibility of the trial concluding any time soon, further, looking at the nature of the accusations against the applicant, since the investigation is complete and the charge-sheet has been filed, the applicant can be enlarged on bail. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Akshaykumar Sukhdev Mahto in connection with C.R. No. 1188/2022 with Santacruz Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail

security in the sum of Rs.25,000/- for a period of 4 weeks in lieu of surety.

(d) The applicant shall report to the Investigating Officer of Santacruz police station once in two months every first Monday of the alternate month between 11.00 a.m. and 1.00 p.m., commencing September, 2023.

(e) The applicant shall surrender his passport, if any, with the Investigating Officer.

(f) 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.

(g) 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.

(h) The applicant shall not leave the State of Maharashtra without leave of the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)