



Diksha Rane

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

BAIL APPLICATION NO.1356/2023

ZAHIRUDDIN BASHIRUDDIN SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. S. R. Gaud for the applicant.
Ms. Veera Shinde, APP for the State.
PSI Satam Goregaon Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 28, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 376 (2)(f), 354, 506 of the Indian Penal Code (hereafter 'IPC' for short) registered on 23/10/2022 vide C.R. No.986/2022 with Goregaon Police Station.
- 3.** The applicant is the father of the victim. In the statement of the victim it is alleged that the applicant has committed an act which constitutes an offence under the

aforesaid sections.

4. I have carefully perused the statement of the victim and also the statement under Section 164(5) of the Code of Criminal Procedure.

5. Learned APP opposed the application by contending that the accusations are serious in nature.

6. Learned counsel for the applicant submits that there is a delay in lodging the First Information Report (FIR). It is further submitted that there are some matrimonial disputes between the applicant and his wife and his wife has provoked the victim to lodge false FIR. Learned counsel further submitted that the medical evidence does not support the case of the prosecution.

7. The applicant was arrested on 5/11/2022 and now is in custody for almost one year with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail by imposing stringent conditions.

Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Zahiruddin Bashiruddin Shaikh in connection with C.R. No.986/2022 registered with Goregaon 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 surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Goregaon police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.
- (e) 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.
- (f) 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.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Goregaon Police Station after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

8. The application is disposed of.

(M. S. KARNIK, J.)