

VRJ

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

BAIL APPLICATION NO.1484 OF 2023

Kayas Jameer Logde

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Ganesh Gupta with Mr. Sanket R. Kankate for the applicant.

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

Mr. M.M. Khandagale, Head Constable, Neral Police Station, Rajgad is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 28, 2023

P.C.:

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973, in connection with C.R. No.357 of 2022 lodged on 1st December 2022 registered with Neral Police Station, Raigad for offences punishable under sections 376(2)(n), 354, 506 of the Indian Penal Code, 1860 and Section 66(2) of the IT Act, 2000.

2. According to the prosecution, the informant is 24 years old married having one daughter. In the month of February 2021, while she was returning from her maternal uncle's house, the applicant met her at the bus stop. The applicant is relative of the

victim. He, therefore, took her to a lodge under the garb of having tea. However, after consuming tea, the applicant tried to force himself on the victim. The victim resisted the attempt of the applicant. However, the applicant shut her mouth and performed forcefully sexual intercourse. He took out her photographs and told her to come to lodge whenever he requires otherwise her photographs will be sent to her husband. Two months thereafter the applicant and opponent had repeated sexual intercourse. On 5th November 2022, he gave a sim card to the informant and asked her to use it. On 11th November 2022, the applicant told her to come to Neral to elope with him; however, she refused. The applicant, therefore, sent her photographs to the husband. She, therefore, lodged a report with concerned police station.

3. The investigating agency carried out investigation and filed charge sheet.

4. The applicant was arrested on 1st December 2022. On perusal of the material on record, it appears that there are repeated incidents of sexual intercourse from February 2021 till November 2022. The victim is aged 24 years. The victim is married and having one daughter. The applicant is 30 years old.

5. The material on record prima facie shows that the relationship between the applicant and the victim was consensual. However, the Trial Court needs to adjudicate it at the time of trial. Therefore, in my opinion, the applicant has made out a prima facie case for release of the applicant on bail. Hence, following order:

a) The applicant shall be released on bail in connection

with C.R. No.357 of 2022 lodged on 1st December 2022, registered with Neral Police Station, Raigad for offences punishable under sections 376(2)(n), 354, 506 of the Indian Penal Code, 1860 and Section 66(2) of the IT Act, 2000 on furnishing PR Bond in the sum of Rs.50,000/- along with one or two sureties in the like amount;

b) The applicant shall mark his presence before the police station concerned on first Saturday of each month between 11:00 a.m. to 02:00 p.m. till the conclusion of the trial;

c) 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 or to any police officer;

d) 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;

6. The bail application is disposed of in above terms.

(AMIT BORKAR, J.)