

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2001 OF 2022

Jabbar R. Shaikh

...Applicant

V/s.

The State of Maharashtra & ors.

...Respondents.

Mr.Javeed Hussein a/w. Mr. Mubashir Hussein, Munibah Iram i/b.
Hussein and Co. for the Applicant.

Mrs. Rutuja Ambekar, APP for the Respondent/State.

Mr. Prathamesh Gaikwad for Respondent Nos. 2 to 4.

CORAM : N.R. BORKAR, J.
DATE : 08.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.64 of 2022 registered at Yeola Police Station, Nashik for the offences punishable under Sections 376(2) (j) (n), 377, 388, 120(b) , 506 of the Indian Penal Code and Sections 4, 6, 11, 12 of the Protection of Children from Sexual Offences Act.
3. I have heard the learned counsel for the applicant, the learned APP for the respondent - State and the learned counsel for respondent Nos.2 to 4.
4. The allegations are of rape and extortion. There are in all four victims.

5. The learned counsel for the applicant submits that allegations against the present applicant are vague. It is submitted that the present applicant has nothing to do with the alleged crime and even otherwise the allegations of rape are against the co-accused. It is submitted that the applicant is in jail for more than one year and there are no other criminal antecedents. It is thus submitted that the applicant may be released on bail.

6. On the other hand, the learned APP and the learned counsel for respondent Nos. 2 to 4 submit that the present applicant, who is real brother of main accused used to come with him to the house of victims and used to threaten them. It is submitted that the present applicant and co-accused by threatening the victims extorted Rs.8 lakhs from them. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statements of victims. The victims have stated that the present applicant had threatened them of dire consequences, in case they dare to disclose about the alleged rape by his brother (co-accused) to anybody else. The victims have specifically stated that the present applicant extorted Rs.8 lakhs from them. Considering the nature of offence, I am not inclined to release the applicant on bail. The bail application is thus rejected.

[N.R.BORKAR, J.]