



Darshan Patil

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

BAIL APPLICATION NO.2237 OF 2023

VASIM SHABBIR AINAPURE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Ms. Tanvi Tapkire for the Applicant.

Ms. Veera Shinde, APP for the State.

Sachin J. Gaikwad, Vishrambag Police Station, Sangli.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 30, 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)(n), 315, 417, 506, 507 read with 34 of the Indian Penal Code registered vide C.R. No.459 of 2023 with Vishrambag Police Station, Sangli. The First Information Report is dated 08/07/2023. The applicant was arrested on 08/07/2023.

3. There are in all 2 accused. The applicant is accused No.1. Accused No.2 is the father of the present applicant. It

is the allegation that the applicant who was working as a police constable had physical relations with the prosecutrix who was also in the police department working as a police constable on the promise that he would marry her. Later on, the prosecutrix came to know that the applicant was already married. Even thereafter it is alleged that the applicant had physical relations with the prosecutrix.

4. Reading of the FIR, *prima facie*, reveals that the relationship appears to be consensual in nature. The investigation is complete and the learned APP on instructions of the Investigating Officer submits that the charge-sheet will be filed within 2 days. Learned APP pointed out that the applicant has since been suspended from his post in the police department. The applicant has co-operated with the investigation.

5. Taking an overall view of the matter, in the facts and circumstances of the present case, the applicant can be enlarged on bail. There are no criminal antecedents reported against the applicant. The applicant will face the consequences of the trial if he is ultimately convicted. The

applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Vasim Shabbir Ainapure in connection with C.R. No. 459 of 2023 registered with Vishrambag 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 shall attend the Investigating Officer of Vishrambag police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) 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.
- (e) 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.

6. The application is disposed of.

(M. S. KARNIK, J.)