



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

BAIL APPLICATION NO. 2334 OF 2023

VIVEK SATENDRA TIWARI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Ms. Anjali Patil for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

PSI N.K. Rathod, Ulhasnagar Police Station, Thane.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 18, 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, 354-D and 506 of the Indian Penal Code registered on 20/03/2023 vide C.R. No.201 of 2023 with Ulhasnagar Police Station, Thane.

3. The applicant was arrested on 18/04/2023. According to the learned APP, applicant was arrested from his residence in Uttar Pradesh. He belongs to Uttar Pradesh. As per the version of the prosecutrix who is 20 years of age,

the applicant contacted her through 'Snapchat'. During the period from October 2022 to March 2023, the applicant committed the acts which are punishable under the aforesaid Sections.

4. Learned APP opposed the application and submitted that the applicant had absconded.

5. From the materials, it is seen that the FIR was registered on 20/03/2023 and the applicant was arrested on 18/04/2023 from his residence in Uttar Pradesh. My attention is invited to the medical history of the prosecutrix. *Prima facie*, the relationship between the applicant and the prosecutrix appears to be consensual in nature. The investigation is complete and the charge-sheet is filed. The applicant has been incarcerated almost for 5 months. There are no criminal antecedents reported against the applicant. In the facts and circumstances of the present case, the applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Vivek Satendra Tiwari in connection with C.R. No.201 of 2023 registered with Ulhasnagar 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 Ulhasnagar police station once in three months, every first Monday of the month, between 11.00 a.m. and 1.00 p.m. commencing December-2023.

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

(h) The applicant shall not establish any contact with the

victim and shall not enter the area where the victim is residing.

6. The application is disposed of.

(M. S. KARNIK, J.)