



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

BAIL APPLICATION NO. 2445/2023

YAGIN @ JURGAN MAXWEL ROZE ...APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Prathamesh Samant a/w Adv. Siddhant Dalvi for the
Applicant.

Ms. Veera Shinde, APP for the State.

PSI manisha Subhash Shinde, Indiranagar Police Station,
Nashik City.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 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, 376(N), 417 of the Indian
Penal Code registered vide C.R. No.200 of 2023 with Indira
Nagar Police Station, District Nashik.

3. The First Information Report (FIR) was registered on
31/07/2023. The applicant and the victim are 27 and 23
years of age respectively. I have gone through the FIR. In

the FIR, it is stated that the victim while working in the BPO got acquainted with the present applicant in January 2023. The friendship then turned into a love relationship. It is stated that the applicant promised her marriage. Thereafter, on 05/03/2023 the applicant had physical relations with the victim. It is then stated that sometime in the month of July 2023 the applicant informed the victim that he wants to first make a career and then he will marry.

4. Learned APP opposed the application.

5. The relationship appears to be consensual in nature. Whether the consent obtained was in pursuance of the promise of marriage, in the facts of the present case, will be the matter for the trial Court to decide. There are no criminal antecedents reported against the applicant. Learned APP states that the investigation is almost complete and the chargesheet will be filed within one week from today. The applicant has been in custody since 31/07/2023. Considering the age of the applicant, nature of accusations and in the facts and circumstances of the present case, the applicant can be enlarged on bail. The

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

ORDER

(a) The applicant- Yagin @ Jurgan Maxwell Roze in connection with C.R. No.200 of 2023 registered with Indira Nagar Police Station, Nashik, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(b) The applicant shall attend the Investigating Officer of the Indira Nagar police station once in two months, every first Monday of the alternate month, between 11.00 a.m. and 1.00 p.m. commencing from September 2023.

(c) 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.

(d) 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.)