



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

BAIL APPLICATION NO. 3240 OF 2023

ABRAR ABUKALAM KAZI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Nawaz Usmani a/w Adv. Asit Latif Shaikh for the
Applicant.

Mr. N. B. Patil, APP for the State.

PSI Kamble, Meghwadi Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 08, 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), 506(2), 504 of the Indian Penal Code registered on 26/02/2023 vide C.R. No.80 of 2023 with Meghwadi Police Station, Mumbai.
- 3.** It is alleged that the applicant has committed an act which is an offence under the aforesaid sections. In the prosecutrix's statement dated 03/03/2023, recorded under

Section 164 of the Code of Criminal Procedure (Cr.P.C.), she stated that she had known the applicant since 2021. The applicant on the false promise to marry the prosecutrix had forcible sexual relations with her. The statement under Section 161 of the Cr.P.C. of the prosecutrix was recorded on 26/02/2023.

4. Learned APP opposed the application.

5. *Prima facie*, the relationship between the applicant and the prosecutrix appears to be consensual in nature. The applicant is in custody since 27/02/2023 i.e. for the period of 1 year and 8 months as an undertrial. The investigation is complete and the charge-sheet has been filed. Further incarceration of the applicant will only be by way of pre-trial punishment. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Abrar Abukalam Kazi in connection with C.R. No.80 of 2023 registered with Meghwadi 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 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.

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

(g) The applicant shall not enter the jurisdiction of the police station where the prosecutrix is residing till further orders of the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)