



Diksha Rane

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

BAIL APPLICATION NO.3335/2023

NOOR MOHAMMED SHAH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

None for the applicant.

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

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 7, 2023.

P.C. :

1. None for the applicant.
2. Learned APP opposed the application for bail and submitted that the offence is serious.
3. This is an application for bail in respect of the offence punishable under Sections 376, 376(2)(n), 328, 323, 504, 506 of the Indian Penal Code (hereafter 'IPC' for short) read with Section 67A of the Information Technology Act registered on 29/4/2022 vide C.R. No.1516/2022 with Oshiwara Police Station, Mumbai.
4. With the assistance of learned APP, I have gone through the First Information Report (FIR) and the relevant

materials on record. The possibility of the relationship being consensual in nature cannot be ruled out.

5. Considering the nature of accusations against the applicant, prolonging the custody would amount to a pre-trial punishment. The applicant will face the consequences post trial if the charges levelled against him are proved. The record does not reflect that there are criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk. The applicant can be enlarged on bail by imposing conditions.

6. Moreover, an affidavit has been filed by the prosecutrix in the Sessions Court at Dindoshi that the present matter is amicably settled between the parties and she does not have grievance against the applicant. In the facts and circumstances of the case, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Noor Mohammed Shah in connection

with C.R. No.1516/2022 registered with Oshiwara Police Station, Mumbai, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local 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 enter the area where the prosecutrix is residing and working.

(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 surrender his passport, if any, to the investigating officer.

7. The application is disposed of.

8. The copy of this order may be communicated to the applicant by the investigating officer as well as by the Registry.

(M. S. KARNIK, J.)