

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3218 OF 2022**

Danish Abdul Rahman Malik ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

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Mr. Pradeep Patil a/w Mr. Pravin Gole a/w Mr. Ruturaj Deshmukh for the Applicant.

Ms Veera Shinde, APP for the State.

Mr. Kartik Garg for Respondent No. 2.

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CORAM : N.R. BORKAR, J.

DATED : 6 MARCH 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 33 of 2022 registered at Alibag Police Station, Raigad for the offences punishable under Section 376(2)(l)(j)(n) of Indian Penal Code, Sections 4, 12 of Protection of Children from Sexual Offences Act and Sections 4, 5, 8 of Immoral Traffic (Prevention) Act.

3. I have heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for Respondent No. 2.

4. I have perused the statement of the victim. According to the victim, her friend co-accused Pooja Gharat made her to indulge in sexual activity with some of her male friends.

5. According to the victim, in November 2021, she got acquainted with the present applicant and thereafter she used to meet him. According to her, on several occasion, the present applicant committed sexual intercourse with her due to which she became pregnant. However, DNA report is otherwise. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 33 of 2022 registered at Alibag Police Station, Raigad for the offences punishable under Section 376(2)(l)(j)(n) of Indian Penal Code, Sections 4, 12 of Protection of Children from Sexual Offences Act and Sections 4, 5, 8 of Immoral Traffic (Prevention) Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)