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

BAIL APPLICATION NO.3539 OF 2023

RAHUL @ VICKY SHIVAJI SAINI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Balwant Salunkhe for the applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 9, 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, 328, 323, 506 of the Indian Penal Code (hereafter 'IPC' for short) registered on 16.08.2022 vide C.R. No.448 of 2022 with Narpoli Police Station, Thane.

3. The applicant was arrested on 16.08.2022. I have gone through the statement of the prosecutrix. The prosecutrix and the applicant were in contact with each

other since April 2019. The FIR was registered on 16.08.2022.

4. The application is opposed by learned APP contending that the offence is serious. It is further submitted that on false promise of marriage the applicant has forced the victim to enter into physical sexual relations with him.

5. Prima facie perusing the materials and the statement of the victim in my opinion the possibility of the consensual relationship cannot be ruled out. The applicant was arrested on 16.08.2022 and is now in custody for more than one year and two months. The applicant will face the consequences of the trial if found guilty. The applicant's mobile phone has already been seized during the course of the investigation. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Rahul @ Vicky Shivaji Saini in connection with C.R. No.448 of 2022 registered with Narpoli 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) Except for attending the trial the applicant shall not enter the the jurisdiction of Narpoli Police Station after being released on bail, till the trial concludes.

(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 to contact with the witnesses.

6. The application is disposed of.

(M. S. KARNIK, J.)