



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 BAIL APPLICATION NO. 411 OF 2024

Altaf Aayub Shaikh

VERSUS

The State of Maharashtra

...

Advocate for Applicant : Mr. Suraj R. Bagal h/f Mr. B.N.
Gadegaonkar

APP for Respondents: Mrs. Pratibha J. Bharad

.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 22nd MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 506 of 2023 registered with Partur police station, District Jalna for the offences punishable under Sections 354, 376, 376-A, 506 of the I.P.C. His application with similar prayer bearing criminal bail application No. 52 of 2023 came to be rejected by the learned Special Judge-2, Jalna, vide order dated 30.1.2024.

2. It is averred in the report by the prosecutrix, after two months of the incident, that she is 23 years old and the applicant is her neighbourer. She went to the house of the applicant in order to get her blouse stitched. At that time, the applicant gave the blouse to her. She went into a room in order to wear that blouse and suddenly

the applicant went there and closed the door from inside and snapped her photographs. The applicant thereafter, threatened her that he will show that photographs to her husband and thereafter committed rape on her. He threatened the prosecutrix that if she tells that fact to anybody, he will show that photographs to others and therefore, she did not tell about that incident to anyone. The prosecutrix has lodged the report after two months of the incident.

3. Learned advocate for the applicant submitted that it is case of consensual sexual intercourse. There is unreasonable delay in lodging the report. No such obscene photographs were snapped. The applicant is falsely implicated in the crime. He therefore, prayed for allowing the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant will pressurize the prosecution witnesses. The applicant is involved in serious crime of rape. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly, the report and the statements of witnesses. There is no evidence of alleged photographs snapped by the applicant. The applicant has roots in the society. There is doubtful delay caused in lodging the report.

Considering the fact that the applicant has roots in the society, he will not flee away from the trial, the trial will take a long period, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 506 of 2023 registered with Partur police station, District Jalna for the offences punishable under Sections 354, 376, 376-A, 506 of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall not enter into the limits of village Devla Satona, Tq. Partur, district Jalna, till the conclusion of trial.
 - c) If any breach of the above conditions is noticed by the trial court, the trial court is at liberty to proceed for cancellation of bail of the applicant, without reference to this court.

(SANJAY A. DESHMUKH, J.)