

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

CRIMINAL BAIL APPLICATION NO. 1941 OF 2024

Gotya @ Sohel Mehiboob Mulani ...Applicant
Versus
State Of Maharashtra And Anr. ...Respondents

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Mr. V. S. Talkute, Advocate for the Applicant.

Mr. Pandurang Gaikwad Patil, APP for the Respondent – State.

Mr. Mahesh S. Arjun, Advocate for Respondent No.2.

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CORAM : ANIL S. KILOR, J.

DATE : 12th JUNE, 2024.

P.C.:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.16 of 2024, registered with Pandharpur (Rural) Police Station, District: Solapur (Rural) for the offences punishable under Sections 376(2) (n) and 506 of Indian Penal Code (for short 'IPC').
3. Learned Counsel for the Applicant states that after completion of investigation the charge-sheet is filed and since the investigation is over, there is no further custody of the Applicant is required. It is submitted that the Applicant is in jail from last above

five months.

4. On the other hand, learned APP strongly opposed the application and submits that the offence is serious and if the Applicant is released on bail, he may pressurize the witnesses because he is resident of the same locality.

5. I have perused the charge-sheet and thereupon it is evident that the mobile phone of the Applicant was seized by the Police and other material was collected during the investigation. Since, the investigation is completed, considering the nature of allegation and particularly the fact that there was a delay in lodging the complaint by the complainant after the first incident, I am of the opinion that the Applicant is entitled for for grant of bail. As far as the apprehension of the learned APP is concerned, that can be addressed by imposing certain conditions. Accordingly, the application is allowed.

ORDER

- i. Criminal Bail Application No.1941 of 2024 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.16 of 2024, registered with Pandharpur (Rural) Police Station, District: Solapur (Rural) for the offences

punishable under Sections 376(2)(n) and 506 of IPC, on furnishing PR. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

iii. The Applicant shall not enter within the territorial jurisdiction of Pandharpur (Rural) Police Station, District : Solapur (Rural) till conclusion of trial except for attending trial;

iv. The Applicant shall provide his address and the name of the nearest Police Station to the Investigating Officer and attend the said Police Station on 1st and 16th day of each month between 12:00 noon and 2:00 p.m. till conclusion of trial.

v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi. Liberty is granted to the State for cancellation of bail if the Applicant commits similar offence;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed off, accordingly.

(ANIL S. KILOR, J.)