



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2376 OF 2023**

Saddam Balekhan Sonikar
versus
State of Maharashtra

... Applicant
... Respondent

Mr. Balwant Salunkhe, for Applicant.
Mrs. Rajashree Newton, APP for State.
Mr. Abhishek Avachat (appointed Adv) with Mr. S.H.Deshpande, for Respondent No.2.

CORAM: N.J.JAMADAR, J.

DATE : 25 JULY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.453 of 2023 registered with Jat Police Station for the offences punishable under Sections 327, 354, 354A, 354D and 504 of Indian Penal Code, 1860.
3. When the application was first listed before this Court on 24 August 2023, this Court was persuaded to grant interim bail.
3. Learned Counsel for the Applicant submitted that the applicant has co-operated with the investigation and even a formal arrest was effected and the applicant had furnished bail bonds.
4. Learned Counsel for Respondent No.2 submitted that after the relationship between the applicant and the Respondent No.2 turned sour, the

applicant had again outraged her modesty.

5. While releasing the applicant on interim bail, this Court had observed, inter alia, as under :

“8. The indictment against the applicant is that on 21 April 2023 the applicant had made the victim to pillion ride his motorcycle on the pretext of dropping her home. However, the applicant took her to a secluded place and outraged her modesty and when the victim resisted the applicant broke her gold neckless and chain.

9. The learned Counsel for the applicant submitted that the report of the alleged incident dated 21 April 2023 was lodged on 29 July 2023 after a delay of more than three months. According to the learned Counsel for the applicant, what exacerbates the situation is the fact that on 30 May 2023 the victim had lodged another report of outraging modesty against the applicant and in the said crime the applicant came to be arrested and released on bail and yet in the report dated 20 July 2023 there is no reference at all to the said incident of 30 May 2023.

10. Prima facie, the first informant report in question appears to have been lodged as if there was no previous occurrence involving the parties. The delay of three months in the aforesaid context, prima facie, assumes significance. In view of the above, the applicant deserves interim protection.”

6. The aforesaid reasons bear upon the probability of the first informant’s version. Moreover, in view of the developments in the intervening period, adverted to by the learned Counsel for the Applicant, I am impelled to make the order of interim bail absolute.

7. Hence, the following order :

ORDER

(i) The order of interim bail dated 24 August 2023 is made absolute on the terms and conditions incorporated therein.

(ii) In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

(iii) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail.

Application disposed.

(N.J.JAMADAR, J.)