

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

CRIMINAL BAIL APPLICATION NO. 2863 OF 2023

Mr. Shahid Mohammad Pathan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. V.N. Naik i/by V.N. Naik & Co., Advocate, for the Applicant.
Ms. Veera Shinde, APP, for Respondent- State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 20th March 2024

P. C.

1. Heard Mr. Naik, learned Counsel for the Applicant and Ms. Shinde, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C.R. No.	88 of 2023
2.	Date of registration of F.I.R.	27th June 2023
3.	Name of Police Station	Nagothane, District-Raigad
4.	Section/s invoked	376, 354, 354A, 354D, 323, and 506 of <i>I.P.C., 1860</i> ;
5.	Date of incident	7th April 2023
6.	Date of arrest	27th June 2023
7.	Date of filing Charge-sheet	20th July 2023

3. As per the prosecution case, the victim is the friend of one Pramila Bhise. She is married having two children. It appears that victim had earlier told Pramila Bhise that she was in search of work and told her to help. On 7th April 2023, the victim met said Pramila Bhise at Highway naka and reminded her that she is in need of work. Said Pramila took the victim to the welding workshop/garage at Highway naka, which belongs to the present Applicant and thereafter said Pramila Bhise left for her work. When the victim was seeking work from the Applicant, the Applicant took her inside and first physically assaulted her and by threatening, sexually assaulted the victim. He even took her photographs and threatened to widely share the same photographs. As per the prosecution case, victim immediately informed said Pramila Bhise about the said conduct of the Applicant, however, she told the victim to keep quiet otherwise her reputation would be tarnished. Thereafter also on few occasions by giving threats that her photographs would be made viral, the Applicant sexually assaulted the victim.

4. The material on record shows that on 7th April 2023, the victim met the Applicant, for the first time and he has physically assaulted her and by giving threats sexually assaulted the victim. It appears that thereafter also threats are given that her photographs would be made viral and ultimately the Applicant has widely shared the photographs

and therefore the husband of the victim came to know about the incident. Thereafter as the victim narrated about the sexual assault by the Applicant, the F.I.R. was lodged on 27th June 2023.

5. The offence is very serious. The Applicant and the informant reside in the same locality and if the Applicant is released on bail, there is every possibility that the Applicant will tamper with the prosecution evidence. In fact, the victim had appeared before the Trial Court through an Advocate and filed her affidavit stating that the relatives of the Applicant are pressurizing her to withdraw the complaint. She stated that 8 days prior to the date of hearing before the learned Trial Court, somebody had placed her nude photographs and a pen-drive at the door of her house and expressed that there is a threat to her life if the Applicant is released on bail.

6. Accordingly, no case is made out for grant of bail to the Applicant.

7. The Bail Application is rejected.

[MADHAV J. JAMDAR, J.]