

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

Criminal Application No.130 of 2024

XYZ

To be served through

Chendani Koliwada Kopari, Thane

...Applicant

v/s.

1. The State of Maharashtra

(At the instance of Kopari
Police Station, Thane)

2. Rahim Salim Pinjari

Age: 28 years, Occu-service

R/at-Khedgaon, Jalgaon,

Dist. Maharashtra

...Respondents

Mr Virendra Pethe, i/b. Ujwala Sawant, for the Applicant.

Mr MG Patil, APP, for Respondent No.1/ State.

Mr Rohan Hogle, for Respondent No.2.

PSI UG Surve, Kopri Police Station, is present.

Coram: R.N. Laddha, J.

Date: 29 July 2024

P.C. :

Heard Mr Virendra Pethe, the learned Counsel appearing on behalf of the applicant, Mr MG Patil, the learned Additional Public Prosecutor representing respondent No.1/ State, and Mr Rohan Hogle, the learned Counsel for respondent No.2.

2. By an order dated 7 March 2024, respondent No.2 was granted pre-arrest bail in CR No.132 of 2024, registered at Kopri Police Station, Thane, for the offences punishable under Sections 376, 376(2) (n), 377, 323, 504, and 506 of the Indian Penal Code.

3. The applicant, the first informant, seeks the cancellation of pre-arrest bail granted to respondent No.2. The basis for this request arises from the seriousness of the offence and the potential risk of evidence tampering.

4. Upon reviewing the records, it appears that the relationship between the applicant and respondent No.2 spanned approximately three years, during which both parties were of legal age. The nature of their relationship appears to have been consensual. On 5 February 2024, the learned Sessions Judge, Thane, granted ad-interim protection to respondent No.2 and confirmed it by an order dated 7 March 2024. Subsequently, following the completion of the investigation, a charge sheet was filed. The learned Sessions Judge, while granting pre-arrest bail, observed that *prima facie* respondent No.2 did not appear to make a false promise to the applicant and on that pretext had established sexual relations with the 30-year-old victim. There is no material to suggest that respondent No.2 attempted to tamper with prosecution evidence or influence the witnesses. At this stage, with the charge sheet filed and the investigation concluded, there is no justification for entertaining an application to cancel pre-arrest bail.

5. Accordingly, the application stands rejected.

(R.N. Laddha, J.)