

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

BAIL APPLICATION NO. 2369 OF 2024

Asad Ayub Shaikh

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

- Mr. Tohid Shaikh i/b Ms. Anjali Patil, for Applicant.
- Mr. Tanveer G. Khan, APP for Respondent No.1 – State.
- Mr. Saurabh K. Raut, for Respondent No.2 (appointed through Legal Aid).
- Mr. Rahul Patil, PSI, Powai Police Station

CORAM : MANISH PITALE, J.

DATE : 27th NOVEMBER, 2024.

P. C. :

1. In this application notice was issued to respondent No.2 and upon notice being served, Advocate Saurabh Raut, was appointed through the High Court Legal Services Committee to represent respondent No.2.

2. Upon the application being called out for hearing, this Court was informed that Advocate Vikas Tiwari has now been engaged privately by the respondent No.2 and this Court is further informed that respondent No.2 is personally present in the Court. She intends to retain Advocate Vikas Tiwari, to represent her.

3. In that light, Advocate Saurabh Raut, appointed through the High Court Legal Services Committee need not appear for respondent No.2 in this application. His appearance today is acknowledged, as he did assist this

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Court, particularly in perusing the statement of the informant (victim) respondent No.2 recorded under Section 164 of the Cr.P.C.

4. The learned counsel appearing for Mr. Vikas Tiwari, submits on instructions that the respondent No.2 is ready to give consent for the applicant being granted bail. The learned counsel for the applicant also submits that since the informant and the applicant were married, this Court may consider the stand now taken by the respondent No.2 while disposing of the present bail application.

5. The respondent No.2 is granted time of one week to place on record affidavit with respect to her stand.

6. Considering the nature of allegations levelled by respondent No.2, reiterated by her in her sworn statement recorded before the Magistrate on 22nd January, 2024 under Section 164 of the Cr.P.C., the applicant is directed to place on record entire charge-sheet for the perusal of this Court.

7. Copy of the charge-sheet be filed within one week from today.

8. List this application for further consideration on **18th December, 2024, to be included in the "Supplementary List."**

(MANISH PITALE, J.)