

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

CRIMINAL BAIL APPLICATION NO. 2577 OF 2024

Asif Jahangir Korbu

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Aniket Nikam a/w Mr. Pratik Jadhav, Mr. Sumit Patil, Ms. Shreya Anuwal i/by Mr. Amit Icham, Advocate for the Applicant.

Mrs. Savita Yadav, APP for the Respondent – State.

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CORAM : ANIL S. KILOR, J.

DATE : 7th AUGUST, 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.1165 of 2022, registered with Sangola Police Station, District: Solapur (Rural) for the offences punishable under Sections 376(2)(n), 354, 354-A(1)(i)(ii)(iv), 354-D(1), 384, 385, 386, 506 r/w 34 of Indian Penal Code (for short 'IPC') and Sections 66(E), 67(A) of Information Technology Act, 2000.

3. As far as the allegation against the Applicant in relation with the Section 376(2)(n) of IPC is concerned, *Prima facie* from the material collected by the Investigating Officer during the

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investigation, it is evident that there was consensual relations between the Applicant and the victim. As far as other offences are concerned, it is doubtful whether 386 of IPC will apply in this case. Furthermore, for remaining offences the maximum punishment is of five years. The Applicant has already in jail from last two years and charge-sheet has been filed. Considering the above referred observation, I am of the opinion that further custody of the Applicant is not necessary. Moreover, there is no progress in the trial and there is no end of the trial in sight in near future.

4. In that view of the matter, though the learned APP is strongly opposing the present application, I am of the opinion that the Applicant is entitled for grant of bail. As far as the apprehension expressed by the learned APP that if the Applicant is released on bail, he may pressurized the prosecution witnesses, the same can be addressed by imposing certain conditions. Accordingly, the application is allowed.

ORDER

- i. Criminal Bail Application No.2577 of 2024 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.1165 of 2022, registered with Sangola Police Station, District: Solapur (Rural) for the offences punishable under Sections 376(2)(n), 354, 354-A(1)(i)(ii)(iv), 354-D(1),

384, 385, 386, 506 r/w 34 of IPC and Sections 66(E), 67(A) of Information Technology Act, 2000, on furnishing P.R. 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 District : Solapur till the conclusion of trial except for attending trial;

iv. The Applicant shall provide his address and the name of near by Police Station to the Investigating Officer which he shall attend on 1st and 16th day of each month between 12:00 noon to 1:00 pm till conclusion of trial except for attending 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 to apply for cancellation of bail if the Applicant commits any breach of condition or misuse the liberty;

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.)