

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3000 OF 2024**

Vajid Nasim Khan	...	Applicant
vs.		
The State of Maharashtra and another	...	Respondents

Mr. Prashant Aher a/w. Mr. Vipul Patil for applicant.

Mr. Kiran C. Shinde, APP for respondent No.1-State.

Ms. Mahjabeen M. Mukadam for respondent No.2-informant.

**CORAM : MANISH PITALE, J.
DATE : 28th AUGUST, 2024**

P.C. :

. Heard learned counsel for the applicant, the learned APP for respondent No.1-State and the learned counsel appearing for respondent No.2.

2. The applicant was arrested on 11.06.2024 in connection with FIR No.0329 of 2024 dated 10.06.2024 registered at Kashimira Police Station, District Mira-Bhayandar, Vasai-Virar for offences under Sections 376(2)(n), 354, 354-D and 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. As per the statement of the informant, she and the applicant fell in love with each other as the applicant was living in her neighbourhood. It is stated that there was physical relationship between them in the backdrop of the aforesaid fact and that even the mother of the applicant had approached

the family of the informant with proposal for marriage. At that point in time, it did not work out. Thereafter, allegations are made against the applicant about forcible physical relationship with the informant, but the marriage never worked out. In the context of the aforesaid FIR, the applicant was arrested on 11.06.2024 and he has remained behind bars since then.

4. The learned counsel for the applicant submits that the relationship between the applicant and the informant was consensual. The informant is a 23-year old woman and the relationship developed, as they were living in the neighbourhood. It is submitted that in the present application, the informant has come forward to file a reply affidavit, giving her no objection for the applicant to be released on bail, as it appears that the dispute between them is amicably settled.

5. The learned APP submitted that a perusal of the statement of the informant, leading to registration of FIR shows that the ingredients of the offences registered against the applicant are clearly made out.

6. The learned counsel appearing for respondent No.2 submitted that the informant has no objection for bail being granted to the applicant, as the dispute between them is now settled and that the informant shall be abiding by the reply affidavit filed in this application.

7. This Court has considered the material on record. The statement of the informant leading to registration of FIR, at places, does make allegations which may demonstrate the ingredients of the offences registered against the applicant, but it is significant that in the initial portion of the statement of the informant herself, it is stated that the informant and the applicant fell in

love with each other. It is further stated that even the mother of the applicant had approached the family of the informant with the marriage proposal, but at that point in time, it did not work out because the applicant was not employed and the education of informant was yet to be completed. The contents of the aforesaid portion of the statement of the informant do indicate that the relationship between the applicant and the informant *prima facie* could be said to be consensual. It is brought to the notice of this Court that during the course of investigation, it has come to light that the applicant is alleged to have taken the informant to hotels and forced himself on her, but the bookings of such hotels were made by the informant herself. This is also an indication of the relationship between the applicant and the informant being consensual in nature.

8. In any case, the reply affidavit filed by the informant clearly indicates that as on today, the dispute between the applicant and the informant has been settled and the informant desires to withdraw the allegations made against the applicant. Hence, this Court is inclined to allow the present application.

9. Accordingly, the application is allowed in the following terms:

- (i) The applicant shall be released on bail in connection with FIR No.0329 of 2024 dated 10.06.2024 registered at Kashimira Police Station, District Mira-Bhayandar, Vasai-Virar, on furnishing PR Bond of ₹ 15,000/- and one or two sureties in the like amount to the satisfaction of the trial Court;
- (ii) upon release, within one week, the applicant shall inform the Investigating Officer as well as the trial court about his contact number and residential address and update the same in case of any change;

(iii) the applicant shall not tamper with the evidence of the prosecution in any manner. He shall not undertake any action that may influence the informant, witnesses and other persons concerned with the case.

10. The applicant shall be liable to face proceedings for cancellation of bail, in the event any of the aforesaid conditions are violated.

11. It is also clarified that the observations made in this order are limited to the disposal of the present bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application is disposed of.

(MANISH PITALE, J)

Priva Kambli