

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3233 OF 2024

Aasim Iqbal Nazir, Age 36 years,
Occ.Service, R/o.Near Hospital,
At Post Mendadi, Mhasla, Dist.Raigad
(Presently at Alibaug District Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Vilas A.Jadhav h/for Mr.J.P.Mishra, Advocate for Applicant.

Mr.S.S.Chaudhari, APP, for State.

Mr.Tanoj B.Kamble, Advocate for Respondent no.2.

CORAM : ANIL S.KILOR, J.

DATE : 6th December 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.59 of 2024 registered with Mhasala Police Station, District Raigad, for the offences punishable under Sections 376(2)(j), 376(2)(n), 354-A, 506 of Indian Penal Code r/w Sections 4, 6, 8, 12 of Protection of Children from Sexual Offences Act, 2012.

3. Having gone through the charge sheet and relevant material collected by the Investigating Officer during investigation as also statement u/s.164 of Cr.PC of the victim, it is evident that the allegations are of teasing. Twice the Applicant made demand to the victim to allow him to establish physical relations with her. There

are no allegations of commission of rape in the statement recorded u/s.164 of Cr.PC.

4. In the circumstances considering the nature of allegations and the material available on record, coupled with the fact that charge sheet has been filed, I am of the opinion that further custody of the Applicant is not required. In the circumstances, though learned counsel for victim and learned APP have strongly opposed the application, I am inclined to grant bail.

5. At this stage learned counsel for victim states that if the Applicant is released on bail, he may pressurize the prosecution witnesses or tamper with prosecution evidence. The said apprehension can be addressed by imposing certain stringent conditions. Accordingly, I pass following order :

ORDER

(i) Bail Application is allowed and disposed off;

(ii) It is directed that the applicant shall be released on bail in Crime No.59 of 2024 registered with Mhasala Police Station, District Raigad, for the offences punishable under Sections 376(2)(j), 376(2)(n), 354-A, 506 of Indian Penal Code r/w Sections 4, 6, 8, 12 of Protection of Children from Sexual Offences Act, 2012 on furnishing PR.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

(iii) The Applicant shall not enter into territorial jurisdiction of Mhasala Police Station, District Raigad, till conclusion of trial, except for trial;

(iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police

Station on 1st and 16th day of every month between 10.00 a.m and 11.00 a.m till conclusion of trial, except on the date of trial;

(v) The Applicant shall not directly or indirectly make any contact, inducement, threat or promise to the victim and/or any person acquainted with the facts of the case, as also not tamper with the evidence;

(vi) Liberty is granted to the State for cancellation of bail if the Applicant breaches any condition or misuses the liberty or commits similar offence;

(vii) The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S.KILOR, J.)

MST