

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.4458 OF 2024

Nasir Dastgir Maulani @ Sameer ... Applicant

V/s.

The State of Maharashtra and Anr. ... Respondents

Mr. Aniket Nikam I.by Amit Icham, for the applicant.

Mr. Sameer Mangaonkar, APP, for the Respondent / State.

API, Rajendra Ghevadekar, Panvel City, Navi Mumbai, Present.

CORAM : ANIL S. KILOR, J.

DATE : 18TH 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.467 of 2024, registered with Panvel City Police Station, Dist: Raigad for the offences punishable under Sections 376, 377, 354(A), 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Having gone through the charge-sheet and the relevant material collected by the IO during the investigation, it is apparent that the victim went with the applicant on numerous time to the hotel where it is alleged that the applicant committed rape on the victim.

4. From the nature of allegations, *prime facie*, it appears that there was a consensual relationship between the applicant and the victim.

5. Considering the said fact and further the material available on record, I am of the opinion that since the charge-sheet has been filed further custody of the applicant is not necessary.

6. At this stage, while opposing the present application, the learned APP expressed an apprehension that if the applicant is released on bail, he may pressurize the victim or the prosecution witnesses.

7. To address said apprehension, the learned counsel for the applicant, makes a statement that the applicant is ready to abide by any condition including not to enter into the territorial jurisdiction of Panvel City, till the conclusion of the trial, except for attending the trial.

8. Accordingly, I pass the following order:

ORDER

i) Criminal application is allowed;

ii) It is directed that the applicant be released on bail in connection with Crime No.467 of 2024, registered with Panvel City Police Station, Dist: Raigad for the offences punishable under Sections 376, 377, 354(A), 323, 504, 506 r/w 34 of the Indian Penal Code, on furnishing P.R. Bond of Rupees Twenty-Five Thousand with one solvent surety in

the like amount;

iii) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st day of every month between 10.00a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;

iv) 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;

v) Liberty is granted to the State to apply for cancellation of bail in case of any breach of condition or if the applicant misuse of liberty;

vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The application is disposed of.

(ANIL S. KILOR, J)