

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

BAIL APPLICATION NO. 1716 OF 2024

Dalusing Mohansing Rajput	...Applicant
Versus	
The State of Maharashtra And Anr.	...Respondents

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Mr. Arbaz Waris Pathan, Advocate for the Applicant.

Mr. Vinod Chate, A.P.P. for the Respondent No.1 – State.

Mr. Niranjana Bhavake i/b Mr. Vikrant Shinde, Advocate
for the Respondent No.2.

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CORAM	:	N. R. BORKAR, J.
DATE	:	07TH FEBRUARY, 2025.

P.C.:

1. This is an application for regular bail.

2. The applicant came to be arrested in Crime No.545 of 2023 registered at Panvel City Police Station, District Navi Mumbai, for the offences punishable under Sections 376 and 506 of Indian Penal Code.

3. The applicant was working in medical shop, where the victim used to come to purchase medicine. It is alleged

that on the date of incident, which took place on 6th October 2023, the applicant had forced the victim to sit on his motorcycle and took her to secluded place and there he committed forcible sexual intercourse with her.

4. I have heard the learned counsel for the applicant, learned A.P.P. for the Respondent No.1-State and learned appointed advocate for the Respondent No.2/Victim.

5. The learned counsel for the applicant submits that the alleged act was consensual. It is submitted that the applicant is in jail for more than one year.

6. On the other hand, the learned A.P.P. for the Respondent No.1-State submits that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statement of the victim. *Prima Facie* there appears to be substance in the submission of the learned counsel for the applicant that the alleged act was consensual. In that view of the matter, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.545 of 2023 registered at Panvel City Police Station for the offences punishable under Sections 376, 506 of Indian Penal Code on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station once in a month i.e., on first Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)