

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

CRIMINAL BAIL APPLICATION NO. 1888 OF 2024

Arif Munir Pathan	...Applicant
Versus	
The State of Maharashtra And Anr.	...Respondents

**AND
CRIMINAL BAIL APPLICATION NO. 3168 OF 2024**

Wasim Dastagir Sayyad	...Applicant
Versus	
The State of Maharashtra And Anr.	...Respondents

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Mr. Mohammad Mulla, Advocate for the Applicant in B.A. No.1888/2024.

Mrs. Anjali Patil, Advocate for the Applicant in B.A. No.3168/2024.

Mrs. R.D. Humane, A.P.P. for the Respondent – State in both Applications.

Mr. Ankush Hembade (Police Hawaldar), Yeola City Police Station, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	22nd JANUARY, 2025.

P.C.:

1. Both these applications are for regular bail. As both these applications are arising out of one and the same crime, they are being disposed of by this common order.

2. The applicants came to be arrested in Crime No.432 of 2024 registered at Yeola City Police Station, Dist:Nashik for

the offences punishable under Sections 376(2)(n), 376(D), 377, 313, 374, 354(D), 341, 467, 468, 471, 323, 506 r/w Section 34 of Indian Penal Code.

3. According to the prosecution, the applicant in Bail Application No.3168 of 2024 took the victim to various lodges and committed forcible sexual intercourse with her. It is alleged that once he took her to Jain Palace Hotel, where the applicant in Bail Application No.1888 of 2024 was already present in the room. It is alleged that there they both forcibly committed sexual intercourse with the victim.

4. The learned counsel for the applicant in Bail Application No.3168 of 2024 submits that there was a love affair between the applicant and the victim. It is submitted that the alleged relationship between the applicant and the victim was consensual. It is submitted that the applicant is aged about 24 years. It is submitted that the applicant is in jail for about one year and four months and trial is at the stage of framing of charge. It is submitted that the applicant may be released on bail.

5. The learned counsel for the applicant in Bail Application No.1888 of 2024 submits that the applicant has

nothing to do with the alleged crime. The victim has made vague allegations against him. It is submitted that even the medical evidence is not consistent with the allegations made by the victim. It is submitted that the applicant is aged about 25 years. It is submitted that the applicant is in jail for about one year and four months. It is submitted that the applicant be released on bail.

6. On the other hand learned A.P.P for the Respondent-State submits that the applicants are involved in a very serious crime. It is submitted that considering the nature of offence, the applicants may not be released on bail.

7. I have perused the statement of victim recorded under Section 164 of Cr.PC. It appears from her statement that the present applicants had blackmailed her that they would make her objectionable video clip viral and under the said threat, committed sexual intercourse with her.

8. Considering the nature of offence, I am not inclined to release the applicants on bail. Both the applications are rejected.

(N. R. BORKAR, J.)