

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

CRIMINAL BAIL APPLICATION NO. 2290 OF 2024

Imam Ali Manauwar Ali Khan

...Applicant

VERSUS

The State of Maharashtra & Anr.

...Respondents

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Mr. Aditya Parmar a/w Ms. Savvy Kolhekar, Advocate for the Applicant.

Ms. Anamika Malhotra, A.P.P. for the Respondent – State.

Ms. Deepali Bagla, Advocate for Respondent No.2/victim.

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CORAM : N. R. BORKAR, J.
DATE : 06.03.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 2 of 2024 registered at Mandavi Police Station, Dist- Palghar for the offences punishable under Sections 363, 376(3) & 376(2)(N)34 of the Indian Penal Code and Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicant is accused No.1 in the aforesaid crime. According to the prosecution the victim got acquainted with the present applicant through her friend Zoya. It is

alleged that one day she took the victim to one hotel, where the applicant was present. It is alleged that there the applicant committed forcible sexual intercourse with the victim. There are allegations of forcible sexual intercourse on multiple occasions.

4. The learned counsel for the applicant submits that the alleged physical relations were consensual. It is submitted that the applicant is aged about 20 years and is in jail for about one year and two months. It is submitted that there are no other criminal antecedents.

5. On the other hand, the learned APP for the respondent-State and the learned counsel for the Respondent No.2/victim submits that at the relevant time the victim was aged about 15 years only. It is submitted that considering the nature of offence the applicant may not be released on bail.

6. I have perused the statement of the victim recorded under Section 161 of the Criminal Procedure Code and the supplementary statement dated 29.1.2024. It appears that the victim was initially involved in consensual relationship with the accused No.2. Though she has stated that, she was forced to be in relationship with the applicant, however, *prima facie* it appears to be otherwise.

7. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 2 of 2024 registered at Mandavi Police Station, Dist- Palghar for the offences punishable under Sections 363, 376(3) & 376(2)(N)34 of the Indian Penal Code and Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

D] The applicant shall not contact the victim.

E] It would be open to the prosecution to file an application for cancellation of bail if the applicant commits breach of any of the above conditions.

7. Application stands disposed of accordingly.

(N. R. BORKAR, J.)