

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2844 OF 2024**

Rafi Sikandar Shaikh ...Applicant
Versus
The State at the instance of Tulinj
Police Station & Anr. ...Respondents

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Mr. Vishal Khetre i/by Mr. Ramrao Jagtap, Advocate for the Applicant.

Mrs. P. S. Rane, A.P.P. for the Respondent No.1 – State.

Mr. Abhishek Dubey, Advocate for the Respondent No.2.

Ms. Rohini Doke (PSI), Tulinj Police Station, Dist.-Palghr, present.

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CORAM : N. R. BORKAR, J.
DATE : 11th FEBRUARY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.142 of 2024 registered at Tulinj Police Station Dist - Palghar for the offence punishable under Sections 376, 376(2) (n), 366, 354(a), 328, 323, 504, 506 and read with Section 34 of the Indian Penal Code and under Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act (POCSO).

3. According to the prosecution the present applicant had induced the victim that he would marry her and on that pretext committed sexual intercourse with her on multiple occasions.

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

5. I have perused the charge-sheet and more particularly a statement of the victim recorded by the Virar Police Station dated 15.02.2024. It appears that applicant and the victim were in love relationship. *Prima facie*, the alleged physical relationship appears to be 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.142 of 2024 registered at Tulinj Police Station Dist - Palghar for the offence punishable under Sections 376, 376(2) (n), 366, 354(a), 328, 323, 504, 506 and read with Section 34 of the Indian Penal Code and under Sections 4, 8, 12 of the

POCSO Act, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(iii) The applicant shall not enter into the limits of Virar-Vasai Municipal Corporation, till the conclusion of the trial.

(iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)