

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3261 OF 2024

Vahid H. Ghachi ...Applicant
V/s.
State of Maharashtra & Anr. ...Respondents.

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Mr. Maitreya Shukla for the Applicant.
Mrs. Veera Shinde, APP for the Respondent/State
Mr. Bhushan Raut, Appointed Advocate for Respondent No.2.

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CORAM : N.R. BORKAR, J.
DATE : 17.04.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.144 of 2022 registered at Shrivardhan Police Station, Raigad for the offences punishable under Sections 363, 366, 366-A, 370, 376, 376(3), 120-B read with 34 of the Indian Penal Code, Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act and Sections 9, 10 and 11 of the Prohibition of the Child Marriage Act.
3. The co-accused in the present crime namely Arifa was known to the victim. According to the prosecution case, the said co-accused Arifa took the victim to Mangaon on the pretext that she would get her employed there. It is alleged that there the victim was forcibly made to marry the present applicant. According to the prosecution, after the alleged marriage, the present applicant subjected the victim to sexual intercourse.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent – State and the learned counsel for respondent No.2/complainant.

5. Learned counsel for the applicant submits that false allegations are made against the applicant. It is submitted that the applicant is in jail for 2 years and 5 months and except framing of charge, there is no progress in the trial. It is further submitted that there are no other criminal antecedents against the present applicant. It is thus submitted that the applicant may be released on bail.

6. Learned APP for the respondent/State and the learned counsel for the respondent No.2/complainant submit that though the applicant and the victim were belonging to different religion with some ulterior motive she was forced to marry the present applicant and then the present applicant subjected her to sexual intercourse. The learned APP submits that considering the nature of crime, the applicant may not be released on bail.

7. All other co-accused have been granted bail. The applicant is in jail for 2 years and 5 months. The trial is not likely to be concluded in near future as except framing of charge there is no progress in the trial. Considering the said facts and as there are no other criminal antecedents against the applicant, I am inclined to release him on bail on certain conditions. Hence, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 144 of 2022 registered at Shrivardhan Police Station, Raigad for the offences punishable under Sections 363, 366, 366-A, 370, 376, 376(3), 120-B read with 34 of the Indian Penal Code, Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act and Sections 9, 10 and 11 of the Prohibition of the Child Marriage Act 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 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicant shall not contact the victim and shall not tamper with the prosecution evidence.

[N.R.BORKAR, J.]