

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4451 OF 2024

Dilawar Gulmahmad Makrani

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Ms. Preshita Parab, Advocate i/by Ms. Tripti Shetty for Applicant.
- Mr. Dinesh J. Haldankar, APP for Respondent – the State of Maharashtra.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 24, 2025

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Ms. Parab, learned Advocate for Applicant and Mr. Haldankar, learned APP for Respondent – the State of Maharashtra.
- 3.** This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short '**Cr.P.C.**') seeking Bail in connection with C.R. No.354 of 2023 registered with Powai Police Station for offences punishable under Sections 376, 376(2)(n) and 506 of the Indian Penal Code, 1860 (for short '**IPC**').
- 4.** Ms. Parab would submit that Applicant is incarcerated for the past 1 year 7 months. She would submit that the complaint of the prosecutrix is on the basis of a sole incident which has occurred sometime in June 2023. She would submit that the prosecutrix – First

Informant was 31 years old and Applicant was 42 years old at the time of incident and they both were neighbours as per the statement made in the First Information Report. She would submit that Applicant has also one child who is presently being provided care for by his wife. Applicant's mother has also expired in the interregnum.

5. Ms. Parab would inform the Court that Affidavit of prosecutrix – First Informant i.e. Respondent No.2 was infact filed and it was taken it on record and there are other discrepancies in the matter also. Considering the above submissions made by Ms. Parab, I direct the Investigating Officer to confirm and ascertain the fact as to whether Complainant has filed consent Affidavit and also apprise the Court as to whether she will require any legal representation, if she is made a party to the present Application. Let her consent be conveyed through the learned APP to this Court on the next adjourned date.

6. Stand over to **07th February, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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HANUMANT
SAWANT

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by HARSHADA
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