

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

CRIMINAL BAIL APPLICATION NO. 4478 OF 2024

Santoshi Babu Nashikakar @
Iram Mahammadgaus Fakir

...Applicant

VERSUS

The State of Maharashtra And Anr.

...Respondents

....

Mr. Aniket Nikam a/w Mr. Amit Icham a/w Mr. Sumit Patil a/w Mr. Dushyant Digambar a/w Ms. Shreya Anuwal, Advocate for the Applicant.

Mr. C. D. Mali, A.P.P. for the Respondent No.1.

Ms. Vilasini Balsubramanian, Appointed Advocate for Respondent No.2

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CORAM : N. R. BORKAR, J.
DATE : 23.01.2025.

P.C.:

1. This is an application for bail.
2. The applicant came to be arrested in Crime No. 34 of 2024 registered at M. G. Chauk, Miraj Police Station, Dist. Sangli for the offences punishable under Sections 376, 376-D, 370, 366, 392, 342, 506 r/w 34 of the Indian Penal Code, 1860 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. On 06.01.2024 the victim, who was residing at Pune, due to a quarrel with her mother-in-law left her house to go to her parent's house at Karad. At about 4.00 pm, she boarded Mahalaxmi

Express, however, when she woke up at night, she found herself at Miraj Railway Station. It is alleged that on 07.01.2024, while she was at Miraj Railway Station, at that time co-accused in the present crime came there. It is alleged that they threatened her and snatched her bag and mobile phone and told her that they will take her to the police station. They forcibly made her sit on one of their motorcycles and took her to a nearby field, after which all of them committed forcible sexual intercourse with her. It is alleged that later, they took her to a tin room near Miraj Railway Station bridge and locked her there. It is alleged that on 09.01.2024, one of the co-accused took her to a garden and there present applicant along with her husband (co-accused) came and took her to their house. The victim stayed with them for 2 days and requested the applicant to send her back to her house but they refused to do so. It is alleged that then they took the victim to Jamkhandi, Karnataka. There she was made to marry co-accused Bhartesh in exchange of cash of Rs. 4,00,000/-. The victim thereafter, narrated the said incident to him, therefore he told the present applicant to take her back and return his money. The persons who were present during the marriage made a phone call to the victim's husband. Her husband and police came there and took her back to Pune.

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

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. The applicant is in jail for more than 11 months. It is submitted that there are no criminal antecedents. It is submitted that at the time of arrest the

applicant was pregnant and now her new born baby is also there with her.

6. On the other hand, the learned APP and learned counsel for the respondent No.2/victim submit that the applicant is involved in a serious crime. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statement and supplementary statement of the victim. There is no material to connect the applicant with the first incident. In that view of the matter and as the applicant is in jail with her new born baby, 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. 34 of 2024 registered at M. G. Chauk, Miraj Police Station, Dist. Sangli for the offences punishable under Sections 376, 376-D, 370, 366, 392, 342, 506 r/w 34 of the Indian Penal Code, 1860 and Sections 4 and 6 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 tamper with the prosecution evidence.

E] The bail granted by this order shall automatically stand cancelled if the applicant commits any other crime.

(N. R. BORKAR, J.)