

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4995 OF 2024

Saifuddin Riyajuddin Kazi

.. Applicant

Versus

The State Of Maharashtra and Anr.

.. Respondents

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- Mr. Sunil Lalla a/w Mr. Nilesh Ware and Mr. Vilas Rane, Advocates for Applicant.
- Ms. S.K. Gajare-Dhumal, APP for State.
- Mr. Ratnadeep G. Meshram a/w Ms. Sweta D. Khekare, Advocate for victim-prosecutrix.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 06, 2025

P. C.:

1. Heard Mr. Lalla, learned Advocate for Applicant and Ms. Gajare-Dhumal, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 713 of 2024 registered with Kolsewadi Police Station for the offences punishable under Sections 376(2)(n), 366, 342, 506 of the Indian Penal Code, 1860. FIR is filed on 18.06.2024 and the tenure of the incident stated in the FIR by the First Informant – prosecutrix is from 01.12.2023 to 17.06.2024.

3. It is alleged in the complaint that prosecutrix was forced to convert her religion and post that the Applicant ravished her modesty repeatedly under the threat of making their compromising

photos viral. The record which has been placed before the Court pursuant to the witnesses and victim's statements and investigation done by the Investigating Officer however show a completely different picture. It is seen that Applicant and the prosecutrix got married on 27.05.2024. Twin marriage certificates were issued by the Kazi and second issued by the Registrar of Marriages pursuant to the application made by the prosecutrix and applicant through an Advocate jointly are appended at Page No.317 and 318 of the Application. I have perused the same. That apart it is clearly borne out from the record that prosecutrix and Applicant were known with each other and were acquainted to each other since the year 2019 and from 2023 onwards were in a relationship with each other which is contested by the First Informant after which they decided to convert it into marriage.

4. Since the prosecutrix belonged to a different religion, she took the decision to convert to the religion of Applicant. She was of knowledgeable age being 21 years old when she took the aforesaid decision and pursuant to the marriage started residing with the Applicant. The fact that the prosecutrix and Applicant were having a love relationship and were involved in a consensual physical relationship even before their marriage is clearly borne out from the record.

5. Applicant is having no criminal antecedents. Learned Advocate appearing for the prosecutrix would submit that prosecutrix has now decided to live with the applicant forever and to that effect she has filed an Affidavit. However, considering the fact that prosecutrix was of a clearly knowledgeable age to take her own decisions in life and she having taken the aforementioned decisions, as also their relationship being consensual Applicant deserves to be released on bail. Investigation is completed and chargesheet has been filed. Incarceration of the Applicant is no longer warranted.

6. In view of the above observations, Application is allowed subject to the following terms and conditions:-

- (i)** Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii)** Applicant shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 am to 12:00 pm for the first three months and thereafter as and when called;
- (iii)** Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary

adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

- (iv)** Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (v)** Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;
- (vi)** Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;
- (vii)** Any infraction of the above conditions shall entail cancellation of this order.

7. It is clarified that the observations in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case.

8. In view of the above directions, Bail Application stands allowed and disposed.

[MILIND N. JADHAV, J.]