

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

CRIMINAL BAIL APPLICATION NO. 2677 OF 2025

Riyaz Dilavar Arab ... Applicant.
Vs.
The State Of Maharashtra ... Respondent.

Mr. Paras Yadav, Advocate for the Applicant.
Ms. Anamika Malhotra, APP for the Respondent/State.
Ms. Kishori Sabale-PSI, Shahapur Police Station, Kolhapur.

CORAM : ASHWIN D. BHOBE, J.

DATE : 9th JULY, 2025.

P.C. :

1. Heard Mr. Paras Yadav, learned Advocate for the Applicant and Ms. Malhotra, learned A.P.P. for the State/Respondent.

2. Applicant by the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), is seeking regular bail in Crime No. 248 of 2024, registered at Shahapur Police Station, Ichalkaranji, Kolhapur for the offences punishable under Sections 74 and 75(1) of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS”). Said crime is registered as Sessions Case No. 78 of 2024 and is pending before the Additional Sessions Court, Ichalkaranji.

3. FIR is registered at the instance of the victim. Case of the prosecution is that the Applicant, on 19.07.2024 visited the house of the victim and told her that her photos and videos, which are available with the boys in the gully, would be made viral by them. Applicant thereafter caught hold of victim's right hand and expressed his feeling towards the victim.

4. Applicant was arrested on 19th July 2024 and is in jail since then. Bail Application at Exhibit – 3 filed by the Applicant in Sessions Case No. 78 of 2024 was dismissed on 18th December 2024.

5. Mr. Paras Yadav learned Advocate for the Applicant submits that the allegations in the above said crime are that the Applicant expressed his liking towards the Complainant. He submits that apart from the said allegations, there is no other material against the Applicant to charge the Applicant for the offences referred to in the crime. He submits that the Applicant is 26 years old and is a labourer by occupation.

6. Ms. Malhotra, APP for the State, submits that the Applicant has antecedents. She further submits that there are eyewitnesses to the said crime.

7. I have perused the records with the assistance of the Advocate for the parties.

8. Perusal of the charge-sheet reveals that the Complainant has taken offence to the Complainant making use of the following statements:-

- a) तुमचे फोटो व व्हीडीओ गल्लीतल्या मुलांकडे आहेत ते व्हायरल करणार आहेत.
- b) तेव्हा ती त्याला म्हणाली की तुम्ही काय बोलताय मला काही मजत नाही तेव्हा अर्जदाराने तिचा उजवा हात पकडून तू मला खूप आवडतेस असा म्हणाला.

9. Apart from the above statements alleged to have been made by the Applicant, there is no material on record to indicate any overt act being committed by the Applicant, which can be termed to be an offence. Said material in the charge-sheet, has resulted in the incarceration of the Applicant for almost a year. Allegations as made against the Applicant, prima facie do not attract the ingredients of the offence charged against the Applicant. Continuation of the Applicant in jail is not warranted.

10. Ms. Anamika Malhotra, submits that the Applicant has criminal antecedents. This is not the case where the Applicant can be denied bail on the ground of alleged criminal antecedents. Even otherwise, criminal antecedents, that in itself would not be a ground to deny bail to the Applicant. At any rate, criminal antecedents by themselves cannot be the basis for refusal of the prayer for bail (see Prabhakar Tewari Vs. State of U.P.)¹.

¹ (2020) 11 SCC 648

11. Applicant is entitled to bail. Application is allowed on the following terms. The Applicant is therefore is entitled for bail, on the following terms:

(a) Applicant is directed to be released on bail in connection with C. R. No.248 of 2024, registered with the Shahapur Police Station, Ichalkaranji, District - Kolhapur, on his furnishing PR bond of Rs.10,000/- with one or two sureties in the like amount, to the satisfaction of the Additional Sessions Judge, Ichalkaranji.

(b) Applicant shall report attend before the Investigating Officer, on 1st Saturday of every month between 10.00 a.m. to 11.00 a.m. till framing of the charge.

12. Criminal Bail Application No. 2677 of 2025 stands disposed of in the above said terms.

(ASHWIN D. BHOBE, J.)

Digitally signed
by GAYATRI
RAJENDRA
SHIMPI
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