

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

BAIL APPLICATION NO.3434 OF 2025

Vasiuddin S/o Mahebull Khan

...Applicant

Versus

State of Maharashtra and Anr.

...Respondents

Mr. Bharat S. Doifode, *for the Applicant.*

Ms. Manisha R. Tidke, *APP for the Respondent No.1-State.*

Ms. Rachita Padwal, *for Respondent No.2 (through Legal Aid)*

CORAM DR. NEELA GOKHALE, J.

DATED: 13TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No.87 of 2025 dated 2nd June 2025 registered with the Arnala Coastal Police Station, for the offences punishable under Sections 69, 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”).

2. The facts of the case, in brief, are that the victim/First Informant was 19 years of age at the time of incident. The Applicant was 25 years of age at that time. It is stated by the victim in the FIR that she was friends with the Applicant for a

period of one and half years. She and the Applicant used to talk to each other on phone and also go for outings together. On 31st May 2025 at around 2.30 pm., the Applicant took the victim near the sea shore and thereafter took her to a lodge in Rajodi. It is alleged that the Applicant forced sexual relations on the victim and committed sexual assault on her. Thereafter, the Applicant dropped her off at Nalasopara railway station and she returned home by auto-rickshaw. On returning home, she confided in her parents regarding the said incident. Her parents then called up the Applicant and asked him whether he would marry their daughter. The Applicant refused to marry her and hence, the FIR was registered. The Applicant was arrested on 3rd June 2025 and is in custody since then.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Vasai. However, by order dated 6th August 2025, the said application was rejected and hence, the Applicant has filed the present Bail Application for the relief as prayed.

4. Mr. Bharat Doifode, learned Counsel for the Applicant, submits that the Applicant has not committed any offence much less, the offence alleged against him in the present C.R. He submits that the relationship between the parties was consensual and that he never forced himself on the victim. He further submits that the Applicant is in custody for the past five months. He states that apart from the statement of the prosecutrix, there is nothing on record to indicate his complicity in the offence.

5. Ms. Manisha Tidke, learned APP, however, draws my attention to paragraph 9 of the Order dated 6th August 2025 passed by the Additional Sessions Judge, Vasai, wherein it is recorded that the survivor/victim stated before the Court that the Applicant had tried to cover up the offence by paying an amount of Rs.1,20,000/- to survivor, prompting the survivor to give consent for his release on bail.

6. Ms. Tidke, learned APP, also points to the medical report which, according to her, supports the statement of the victim.

However, Ms. Rachita Padwal, learned Counsel appointed to represent Respondent No.2-victim, on instructions, states that the victim is already married to another person and is not desirous of prosecuting the Applicant.

7. I have heard learned Counsel for the respective parties and perused the record with their assistance.

8. There is nothing to be gained by relying on the statement of the victim that she is consenting to the release of the Applicant on bail, since this is an offence against the State. The offence is serious in nature. However, apart from the statement of the prosecutrix, there is nothing on record to *prima facie* establish the complicity of the Applicant in the said offence. A plain reading of the statement of the victim indicates that there was a consensual relationship between the parties and gives an impression that the FIR was registered since the Applicant refused to marry the victim. In any case, the factum of consent shall be decided during the course of trial. *Prima facie*, it does not appear that the Applicant is

likely to tamper with the witnesses as the prosecutrix herself does not appear to want to prosecute the Applicant.

9. In view of the aforesaid discussion, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)