

MHTH230017772026



CRIMINAL BAIL APPLICATION
(RBA) NO. 913/2026

Umesh Naresh Zala
Vs.
State - Arnala Police Station

ORDER BELOW EXHIBIT 01
(Date : 12/08/2026)

This is an application for Regular bail u/s.483 of BNSS, 2023 filed by accused/applicant **Umesh Naresh Zala** for releasing him in C.R. 88/2026 of Arnala Sagari Police Station for the offences punishable under Sections 69, 316(2) of BNS,2023.

2] The prosecution case in brief is as under:-

Informant/prosecutrix resides along with her parents and family members at the given address in F.I.R. at Nallasopara East. She used to work in a company as an accountant. The accused was running a tea stall behind the said company and he used to provide tea to company employees. She got acquainted with accused in the year 2021. In the year 2022 she along with accused went to Kalamb Beach and he assured to marry with her at one Farm House. Thereafter, he had penetrative sexual intercourse with her without her consent. Then again, accused had sexual relations with her at a farm house at Kalamb. In the year 2024, the accused had penetrative sexual intercourse with her at one hotel situated at Nallasopara East and Vasai

East. He also had sexual relations with her at Kalamb on 14/01/2025. The accused demanded money from her. At that time she gave her credit card of HDFC and Kotak Mahindra Bank to him. He withdrawn Rs.5,00,000/- and did not pay interest and other charges of Rs.3,00,000/-. Accused flatly refused to marry her. Therefore, she lodged report against accused on 09/06/2026 at Arnala Police Station.

3] It is submitted on behalf of applicant/accused that he is innocent and has not committed any offence as alleged by prosecutrix. The prosecutrix is an adult and the sexual relationship between accused and informant is consensual one. There is inordinate delay in filing of the FIR and it cannot be relied upon. Prosecution case is false one. The allegation about borrowing money from prosecutrix is false. Thus, there is no prima facie case against the accused. The informant had obtained financial help of Rs.25,22,154/- from accused out of which she paid Rs.11,82,467/-. Informant refused to repay the amount to accused. He sent demand notice through his Advocate dated 26/05/2026 to informant. As a counter blast informant lodged F.I.R. against accused. The accused is in judicial custody since last 15 days. The investigation is almost complete. Nothing is to be recovered from his possession. He is not having criminal antecedents. He is a reputed person. He is ready to abide by conditions which will be imposed on him while releasing him on bail. Hence, no purpose will be served by detaining him in

the judicial custody. Therefore, he prayed to be released on bail.

4] I.O. has filed his say at Exh.04 and prosecutrix has filed her say at Exh.09. They strongly opposed the bail application. It is submitted that offence is of serious nature. Accused gave false promise of marriage to prosecutrix and established physical relations with her as specifically mentioned in FIR. However, he refused to marry with her. The accused financially exploited informant. The behaviour of accused caused mental trauma to informant. There is strong prima facie against accused. The accused has cheated prosecutrix. Amount of Rs.8,00,000/- is yet to be recovered from accused. There is every likelihood of accused pressurizing the prosecutrix and witnesses, if released on bail. So also, there is every likelihood of accused absconding, if released on bail. Hence, I.O. and prosecutrix prayed to reject the bail application.

5] Heard learned advocate Shri Altamash Khan for accused at length. He prayed to release the accused on the grounds as mentioned in the bail application Exh.01. Heard learned APP J.R. Patil for State at length. Learned APP prayed to reject the bail on the grounds as mentioned in say of I.O. filed at Exh.04. Heard prosecutrix and her Id. Advocate Shri. Atul Pathak. They prayed to reject the bail application on the grounds as mentioned in Exh.09.

6] It appears from the record of the case that

prosecutrix is an adult. It prima facie appears that the physical relationship between accused and prosecutrix was consensual and it continued for more than 03 years. Now it is contended on behalf of prosecutrix that accused gave false promise of marriage and engaged in sexual relationship with her and later on refused to marry her. So also it is her contention that, accused misused her bank credit card and cheated her for Rs.8,00,000/-. On the other hand, it is the contention of accused that the physical relationship between him and prosecutrix is consensual one. The informant had obtained financial help of Rs.25,22,154/- from accused out of which she paid Rs.11,82,467/-. Informant refused to repay the amount to accused. He sent demand notice through his Advocate dated 26/05/2026 to informant. As a counter blast informant lodged F.I.R. against accused. Both accused and informant relied upon voluminous bank statements in respect of their rival contentions. Without going into the merits of rival contentions, it is to be noted that investigation is complete and chargesheet is filed. R.C.C. NO. 2050/2026 is pending before Ld. JMFC. It will be decided after recording of the evidence at the time of trial. Considerable time will be consumed for commencement and conclusion of the trial.

7] As already stated, investigation is complete and chargesheet is filed. Now nothing is to be recovered from the possession of accused. It appears that the accused is in

judicial custody since last more than 2 ½ months. The accused is not having criminal antecedents. Hence, in view of peculiar facts and circumstances of the case, now further detention of accused is not necessary.

8] It is argued on behalf prosecution that the applicant/accused will tamper with evidence and he will abscond if released on bail and will pressurize the prosecutrix and witnesses and there will be repetition of crime, if accused is released on bail. This apprehension can be taken care of by imposing stringent conditions. Hence, having regard to the facts and circumstances of the case, it would be proper to release the applicant/accused on bail with stringent conditions imposed. Hence, I proceed to pass the following order.

ORDER

1.	The bail application (Exh.1) is allowed.
2.	Accused namely Umesh Naresh Zala arrested in C.R. 88/2026 of Arnala Sagari Police Station for the offences punishable under Sections 69, 316(2) of BNS, 2023, be released on bail upon his executing P. R. Bond of ₹.50,000/- (Rupees Fifty Thousands only) with one local surety in the like amount on following conditions; i) He shall attend each and every date fixed by the Court, unless exempted. ii) He shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against

	him so as to dissuade him from disclosing such facts to the Court or to any Police Officer. iii) He shall not tamper with the evidence of prosecution in any manner. iv) He shall not make contact and threaten the prosecutrix and witnesses in any manner. v) He shall not enter in the vicinity of the house of prosecutrix till conclusion of trial. vi) He shall furnish his permanent & temporary address, phone numbers as well as true copies of the documents of his residential addresses as well as of his two close relatives along with original documents for inspection by the Superintendent of the Court. vii) He shall not leave India, without the prior permission of the concerned Court. viii) He shall not enter the area of Nallasopara East till further order.
3.	Failure to obey any of the conditions above, would be liable for cancellation of bail granted to accused
4.	Inform concerned police station accordingly.
5.	Accused be informed about this order by e-mail through Superintendent, District Prison, Thane.
	(Order is dictated and pronounced in open Court).

Vasai.

Date : 12/08/2026.

(H. B. Sirsalkar)

Additional Sessions Judge-1, Vasai.