

MHRT010010132024



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, RATNAGIRI

(Presided over by A. M. Ambalkar, Addl. Sessions Judge, Ratnagiri)

Sessions Case No.36 Of 2024

State of Maharashtra,
Through, Inspector of Police,
Ratnagiri City Police Station,
Tal. &, Dist. Ratnagiri
Crime No. 290/2024.

Prosecution

Versus

Mohasin Abdul Gani Shaikh

Accused

Order Below Exh.4

(Dictated and delivered in open Court on 26/11/2024)

(1). Applicant / accused Mohasin Abdul Gani Shaikh, in Crime No.290/2024, for the offences punishable under Section 376(1), 376(2)(N) and 323 of the Indian Penal Code, registered with Ratnagiri City Police Station, Tal. & Dist. Ratnagiri, filed this bail application U/Sec. 439 of Cr.P.C. for grant of regular

bail.

(2). It is prosecution case that the prosecutrix namely Mayra Mohasin Shaikh, aged about 23 years lodged this report against the accused and thereby made allegations that in the year 2021, she was residing with her mother in the Macchimarket area of Ratnagiri. She got acquainted with accused Mohasin and friendship developed between them. They used to call with each other by phone. After 6 to 7 months, accused told her that he loves her. She also likes him and she consented for love relationship. Accused being Muslim, the mother of informant/victim was not allowing her and prosecutrix was aware about it. She left the house of her mother and started to reside with accused in his room. Accused promised her to marry with her. Thereafter he forcibly had sexual intercourse with her and thereafter many times, they had physical relations. She was pregnant. The accused was promising. Both of them were having dispute on count of marriage. Accused used to beat her. She delivered a daughter on 27/06/2023 in Civil Hospital, Ratnagiri. She was pressing to marry with her. Accused was avoiding. He had sexual intercourse with prosecutrix. Lastly in the month of January 2024, she came to know that he was married and he was having kids. Thereafter since one month, she started to reside with her mother and her daughter. On 08/08/2024, accused saw her with her friend Sandesh Bane and accused got angry and he

beat to Sandesh Bane. She went to some respectable persons and thereafter she lodged report against him. On 30/09/2024, one supplementary statement appears to have been recorded by the police wherein prosecutrix gave some additional information that she was aware that accused told about his first marriage and she also added that accused was involved in some crime of N.D.P.S. Act. She changed her name and her Aadhaar card was prepared in the name of Mayra Mohasin Shaikh and she got married with Sandesh Bane as per Hindu rituals on 17/08/2024.

(3). The applicant submitted that he has been falsely implicated in the present matter. He has not committed any offence and he is innocent. The prosecutrix in order to have marriage without hurdles with Sandesh Bane lodged this false report against him. She got married with Sandesh Bane. He and prosecutrix were residing like husband and wife. Accused never forced her. Accused is only earning member of his family and his parents are depending upon him. He will obey the conditions imposed by the Court. It is submitted by applicant/accused that he was arrested on 09/08/2024 and since then he is behind the bars. As such more than 90 days have lapsed. Investigation is completed. Charge-sheet is filed. Finally, he prayed to allow the application for bail.

(4). Investigating Officer resisted the application and submitted that the applicant and prosecutrix reside in Ratnagiri and if he is released on bail, he may pressurize and harass the informant/victim and he may also pressurize and give threats to witnesses. The offence is serious one. Previously, two crimes under provisions of NDPS Act are registered against the applicant. Finally, it is prayed to reject the application.

(5). The prosecutrix also appeared and filed her say and resisted the application and submitted that the accused cheated her and suppressed the fact of his previous marriage and impregnated her and if he is released on bail, he may harass her. Finally, she prayed to reject the application.

(6). Heard learned Advocate Shri. S. R. Parkar for the applicant and learned APP Smt. A. Y. Thakur for the State. Perused the application, say and documents.

(7). On perusal of record, it appears that the prosecutrix was major and consented for proposal of accused and she was also having love affair with accused and she was liking him. She resided with him like his wife. As per her own story, she changed her name as Mayra Mohasin Shaikh showing herself to be wife of accused. She delivered a daughter in the Civil Hospital, Ratnagiri where she mentioned her name to be Mayra

Mohasin Shaikh. Now she is not residing with him and left the accused. The report is lodged in the month of August 2024 whereas she was residing with accused more than one and half year. The applicant is behind the bars since more than three months. Investigation is completed. Charge-sheet is filed. Further custody of applicant is unwarranted. Therefore, considering aforesaid facts and circumstances, I am of opinion that applicant is entitled to grant of regular bail by imposing stringent conditions. Hence, I proceed to pass the following order.

ORDER

1. Application Exh.4 is hereby allowed.
2. Applicant / accused Mohasin Abdul Gani Shaikh, in Crime No.290/2024, for the offences punishable under Section 376(1), 376(2)(N) and 323 of the Indian Penal Code, registered with Ratnagiri City Police Station, Tal. & Dist. Ratnagiri, shall be released on P.R. Bond of Rs. 25,000/- (Rs. Twenty Five Thousand Only) with surety in the like amount.
3. The applicant shall not meet or contact with victim woman or any witnesses of the case.
4. The applicant shall not give threat or pressurize the victim woman or any witnesses of the case.

5. Applicant shall attend the Court regularly.
6. Inform the concerned accordingly.

Date: 26.11.2024

(A. M. Ambalkar).
Additional Sessions Judge, Ratnagiri.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Sessions Case No.36/2024
Name of Stenographer	:-	Shri. Rajesh G. Rahate
Name of Court	:-	Addl. Sessions Judge, Ratnagiri
Date of Dictation	:-	26.11.2024
Order signed by the P.O. on	:-	26.11.2024
Order uploaded on	:-	29.11.2024