

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 210 OF 2015

Irshad Hafij Bagwan. ... Applicant.  
Versus  
The State of Maharashtra. ... Respondent.

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Mr. Kuldeep S. Patil, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

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**CORAM : SMT. SADHANA S. JADHAV,J**  
**DATE : MARCH 11, 2015**

**P.C.:**

1 Heard the learned Counsel for the applicant and Learned APP  
for State.

2 This is an application under Section 439 of the Code of Criminal  
Procedure, 1973. The applicant herein is arrested on 12/12/2014 in  
Crime No. 400 of 2014 registered at Karad City Police Station for  
offence punishable under Section 376(F), (N), 354(F)(1)(II), 420  
read with Section 34 of the Indian Penal Code. The investigation is  
completed and charge-sheet is filed on 26/2/2015.

3 It is the case of the prosecution that the complainant happens to be a mother of two daughters. She was married to Vasim Ali Shaikh in the year 1996. In 2008 she has been divorced by her husband. She receives maintenance from her husband. She had met the present applicant on the bus stand. They got acquainted with each other. He had expressed his love for her and proposed to her to marry her. She had accompanied with him to Karad and they had stayed at Janseva lodge where they had sexual intercourse. Thereafter they had also stayed at Bhagyashri lodge. According to the complainant, she had hopes that the applicant would support her. After one year of intimacy, the complainant had learnt that the applicant is already married. He had assured her of security. On one occasion, he had borrowed Rs. 50,000/- from her which he returned after one month. The complainant had accompanied the applicant on several occasions to different lodges. At Sugam lodge she had asked him as to when he would marry her and he evaded to answer the same. The complainant was of the opinion that the applicant had

cheated her and had sexual relations with her under the pretext of marriage and therefore, on 11/12/2014 she lodged report at the police station. The applicant has been arrested on 12/12/2014.

4 In the facts and circumstances of this case, it prima facie appears that there was consensual sex. The applicant has made out a prima facie case for grant of bail.

5 However, it is made clear that the observations made hereinabove are prima facie in nature. The same shall not be considered at the time of deciding the application for discharge or for quashing of FIR or at the time trial.

6 Hence, following order is passed.

**ORDER**

(i) The application is allowed.

(ii) In Crime No. 400/2014 registered at Karad City Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- and one or two sureties in the like amount.

7 The application is disposed of accordingly.

**(SMT. SADHANA S. JADHAV,J)**