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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.76 OF 2015

Akhilesh Chitrasen Yadav	...	Applicant
V/s.		
The State of Maharashtra and Anr.	...	Respondents

Mr.M.K.Kocharekar i/b Mr.PRakash Vare, for the Applicant.
Ms.PPShinde, APP for the State.
PSI – G.K.Bhalchim, Kashmirira Police Station.

CORAM : REVATI MOHITE DERE, J.

DATED : 17th FEBRUARY, 2015.

PC.

1. Heard learned counsel for the Applicant and learned APP for the State – Respondent.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. no.I-455 of 2014, registered with the Kashmirira Police Station, Thane, for the alleged offences punishable under Sections 376, 420 of the Indian Penal Code.
3. According to the prosecution, the complainant i.e. the prosecutrix

had alleged that some time in the month of June 2013, she came in contact with the applicant who was 25 years of age and was working with SERCO Global Services at Malad. The prosecutrix at the relevant time was 24 years of age and was working in the same office, as the applicant. It is stated that initially both the applicant and the prosecutrix were on talking terms and subsequently their friendship developed into a love affair. It is alleged that the applicant had expressed his desire to marry the prosecutrix and had assured her that he would convince his family about the same, as they both belonged to different religions. It is further alleged that the applicant would tell his colleagues that the prosecutrix was his wife and also insisted that the prosecutrix wears a mangalsutra and sindoor in the office. According to the prosecutrix, some time in the last week of August 2013, the applicant took her to Mira Road, at Amar Palace Lodge and on the pretext of promising to marry her had sexual intercourse with her. It is alleged that thereafter every week, the prosecutrix and the applicant would visit different hotels and guest houses and on the pretext of marrying the prosecutrix, the applicant continued to have sexual intercourse with the prosecutrix. It is alleged that on 9th September, 2013, the applicant called the prosecutrix to the Andheri Court to find out the procedure for getting married, as they both belonged to different religions.

Accordingly, they met an Advocate and after completing the formalities the applicant and the prosecutrix again went to the Mira Road and the applicant is alleged to have committed sexual intercourse. In the meantime, in November 2013, it is alleged by the prosecutrix, that when all the family members of the applicant, had gone to their native place, she stayed with the applicant for 10 days. In the meantime, in December, 2013, when the applicant learnt that the prosecutrix was pregnant, he advised her to get her pregnancy aborted. Accordingly, the prosecutrix got her pregnancy terminated. It is further alleged that after the termination of the pregnancy, the applicant continued to have sexual relations with the prosecutrix. Consequently, on 12th May, 2014, it is alleged that there was a quarrel between the applicant and the prosecutrix and in the quarrel the applicant allegedly assaulted the prosecutrix with fists and kicks, pursuant to which the prosecutrix lodged an N.C complaint with the D.N. Police Station. Thereafter, the matter was amicably settled between the two. Again on 20th May, 2014, when the prosecutrix informed the applicant that she was pregnant, the applicant is stated to have again asked her to get her pregnancy aborted. It is alleged that when the prosecutrix requested the applicant to marry her, the applicant started giving evasive replies, pursuant to which she filed a complaint with the

Kashimira Police Station, alleging the aforesaid offences.

4. Learned Counsel for the Applicant states that considering the nature of the allegations, it is evident that both the applicant and the prosecutrix were adults and the relations between the two were by consent. He submitted that the prosecutrix had on her own accord gone with the Applicant on several occasions.

5. Perused the complaint. Considering the peculiar facts of the case, the custodial interrogation of the applicant is not necessary.

6. Considering the nature of allegations and the facts, the applicant deserves to be granted pre-arrest bail on the following terms and conditions :

ORDER

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall attend the Kashimira Police

Station, Thane, as and when required, till the filing of the charge sheet ;

iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case.

7. The Application is allowed and disposed of in above terms.

8. Parties to act upon the authenticated copy of this order.

(REVATI MOHITE DERE, J.)