

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Ishaq M. Ghanchi	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Y.M.Nakhwa, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.
DATED : 9th MARCH, 2015.

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.65 of 2015, registered with the Santacruz Police Station, Mumbai for the alleged offences punishable under Sections 376 and 506 of the Indian Penal Code.

3. According to the prosecutrix, who is the complainant, in 2011 she was working as a Singer in Utsav Orchestra Bar, where she met the present applicant. It is stated that their friendship developed into a

lover affair and thereafter they started meeting each other frequently. It is alleged by the prosecutrix that thereafter the applicant requested the prosecutrix to have physical relations, which the prosecutrix initially refused but on the insistence of the applicant that he is going to marry her, she agreed for the same. Thereafter, it is alleged that there were physical relations between them. The applicant is stated to have initially provided the prosecutrix with a rental house at Goregaon and thereafter is stated to have purchased a flat at Gaurav Excellency, Goregaon in his own name and given the same to the prosecutrix to reside. Presently, the prosecutrix is residing with her family in the said flat purchased by the applicant. On the pretext of marriage, the prosecutrix is stated to have had relations and become pregnant.

4. Learned Counsel for the Applicant submitted that the applicant used to regularly visit the prosecutrix, in the presence of her family members and use to pay for her expenses. He contended that the prosecutrix was insisting on transfer of the flat in her name, and as the applicant had asked the prosecutrix to vacate the premises and refused to marry her, the prosecutrix lodged the aforesaid C.R.No.65 of 2015, with the Santacruz Police Station, Mumbai, for the alleged offences

punishable under Sections 376 and 506 of the Indian Penal Code. At the relevant time, the prosecutrix was about 17 ½ years of age. At present the prosecutrix is residing in the flat which stands in the name of the applicant along with her family members.

5. Perused the papers. The prosecutrix was 17 ½ years at the relevant time, hence consent is immaterial. Considering the peculiar facts of the case, the Applicant be enlarged on bail on the following terms and conditions ;

ORDER

- i) The Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount ;
- ii) The Applicant shall attend the Santacruz Police Station, Mumbai, once a fortnight, between 10.00 a.m. to 11.00 a.m., till the filing of the charge-sheet;
- iii) The Applicant shall give his current address and telephone numbers to the Investigating Officer and if there is change in the address of the Applicant, the Applicant shall inform the concerned police station ;

- iv) The Applicant shall also not enter the jurisdiction of Goregaon, more particularly, Gaurav Excellency, where the prosecutrix is residing, till the filing of the charge-sheet ;
- v) The Applicant shall not tamper or attempt to influence any person concerned with the case ;
- vi) The Applicant shall co-operate in the conduct of the trial ;
- vii) It is made clear that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.
7. The aforesaid observations are prima-facie, and the Trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
8. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)