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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.615 OF 2015

Suraj Umashankar Singh	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Akhilesh Singh, for the Applicant.
Ms.S.S.Kaushik, APP for the Respondent – State.
Suvarna A. Vast, for the Intervener.
API – B.B.Dukale, Pantnagar Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.
DATED : 29th APRIL, 2015.

P.C.

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.
2. By this application, the Applicant seeks pre-arrest bail in connection with C.R.No.124 of 2015 registered with the Pant Nagar Police Station, Mumbai for the alleged offence punishable under Sections 376 of the Indian Penal Code.
3. The prosecutrix at the relevant time was 16 years of age and when the FIR was lodged, was 18 years. She has alleged in her complaint

dated 1st April, 2015 that she had met the applicant in 2013 and that thereafter they became friendly and would visit various places. She has alleged that sometime in July 2013, on the pretext of promising to marry her, the applicant had sexual relations with her. The applicant is also alleged to have taken certain photographs of the said act. The prosecutrix has alleged that that the Applicant was a married man with children and that the said fact was suppressed from the prosecutrix. She has alleged that the applicant had induced her to have sexual relations on the pretext of marrying her.

4. Perused the F.I.R./statement of the prosecutrix. It appears that the applicant on the pretext of marriage, had induced the prosecutrix to have sexual relations with him. Since, the prosecutrix, at the relevant time was a minor, consent was immaterial. Apart from that, photographs of the prosecutrix and the applicant in a compromising position were allegedly taken by the applicant. Considering the nature of allegations, this is not a fit case for granting pre-arrest bail to the applicant.

5. Hence, the Application for pre-arrest bail is rejected and disposed of as such.

6. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application. If an application for regular bail is filed, the same shall be decided on its own merits, uninfluenced by the observations made herein.

7. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)