

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1546 OF 2015**

Hashmat Ali Rehmat Ali	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ram Mani Upadhyay for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 14TH SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 211 of 2015 registered with the Tilaknagar Police Station, Mumbai, for the alleged offences punishable under Sections 376, 312, 504 and 506 (ii) of the Indian Penal Code.
3. The complaint has been lodged by the prosecutrix on 8th July, 2015. According to her, at the relevant time, she was aged 24 years and the applicant was 30 years of age. She has stated that since both, the

applicant and she were working in the same office, they got acquainted and thereafter, fell in love with each other. She has alleged that the applicant had physical relations with her on several occasions on the assurance and promise that he would marry her. According to her, the applicant had given her pills for abortion and that she had to undergo abortion on three occasions. According to her, the applicant had physical relations with her, on the assurance of marriage and thereafter refused to marry her and instead threatened her with dire consequences.

4. Learned Counsel for the applicant states that the applicant and the prosecutrix were in a relationship and that they were adults. He submits that the applicant is in custody since 9th July, 2015.

5. Learned A.P.P states that the charge-sheet is likely to be filed and the investigation is almost complete. She submits that as far as Section 312 is concerned, there is no medical certificate of any doctor in support thereof. Considering the nature of allegations and the fact that the investigation is almost complete, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
 - (ii) The applicant shall not tamper or attempt to influence or contact the prosecutrix or any person concerned with the case;
 - (iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
 - (iv) The applicant shall cooperate with the conduct of the trial.
6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein 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. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed
order.
