

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.898 OF 2016

Hemantkumar S. Singh ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Mr.Sudeep S. Pasbola with Mr.Sandeep Kumar Singh, Advocate
for the Applicant.

Mrs.Rutuja Ambekar, APP for the Respondent/State.

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CORAM : P. N. DESHMUKH J.

DATED : 25th JULY 2016.

P.C.

1 Heard learned counsel for both the sides. It appears that in spite of leave granted to amend the application to delete the name of prosecutrix mentioned in the application, same is not deleted. Leave, as prayed, is granted. Name, wherever it appears, be deleted forthwith. It is the case of applicant that he is falsely implicated by the prosecutrix, who was in love with him for a period of two years, and had lodged report in the month of April 2016, as applicant did not marry her.

2 On perusal of report, it reveals that prosecutrix was residing at Ghodbandar Road, Thane along with her friend Zakiya on rental basis, during which period she came in contact with the applicant, who was working in the Company at J.B.Nagar, Andheri as a Software Engineer and since October 2014, they fell in love with each other and decided to marry within one year thereafter. It further reveals that during this period and till the lodging of report, applicant as well as prosecutrix were indulged in sexual relations on many occasions at her place while her friend was not in the room. It further reveals that in March 2015, applicant and prosecutrix spend couple of days in her room, as prosecutrix's friend had left to her native place during vacation. After spending time together few days thereafter, complainant carried pregnancy, which was terminated on the say of applicant saying that they cannot marry immediately, and accordingly complainant consumed some tablets and got aborted. It further reveals that in June 2015, prosecutrix secured some job in Bangalore and in February 2016, while she visited Mumbai, she had met the applicant, during which period both of them again developed physical relations by meeting in a place at Navi Mumbai and during this meeting they decided to marry on 5th March 2016. However, it further reveals from the report that before that day, on 21st February 2016, applicant is alleged to have informed victim that he is unable to marry her.

3 In the background of facts aforesaid, it is material to note that prosecutrix in spite of keeping physical relations with applicant for a long time, as aforesaid, has lodged the report, that too belatedly on 9th April 2016, after applicant had refused to marry her, as initially agreed to perform marriage on 5th March 2016, though she has willingly, on having love relations with the applicant, indulged in sexual act with him.

4 Learned counsel for the applicant in support of his case to establish threats extended by prosecutrix, applicant has annexed with the application transcription of audio calls between applicant and the prosecutrix and has also offered his mobile phone to verify its contents. However, according to the applicant, in spite of attending Investigating Officer as per interim orders passed by this Court on 28th June 2016, his phone is not taken charge of for investigation with regard to said transcription. The learned Additional Public Prosecutor for the respondent/State, on obtain instructions from Investigating Officer states that no investigation is carried out with reference to audio transcription filed by the applicant, nor admittedly has seized the cellphone of applicant.

5 Having considering the contents of report and facts, as aforesaid, interim relief granted to applicant on 28th June 2016 is liable to be confirmed on same terms and conditions except for directing the applicant to attend Investigating Officer as and when

called till filing of charge-sheet by issuing notice sufficiently in advance.

(P. N. DESHMUKH J.)