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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO.1443 OF 2016**

Suraj Ali Kadar Vlias Shaikh

..Applicant.

Vs.

The State of Maharashtra

..Respondent

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Ms. Anjali Patil for Applicant.

Mr. A.S. Patil, APP for State.

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**CORAM: A.S. GADKARI, J.**

**DATE : 26<sup>th</sup> September 2016.**

**P.C.**

**1** This is an application under Section 439 of Cr. P.C. for bail in CR No.374 of 2015 registered with Versova Police Station, Mumbai dated 6.11.2015 under Sections 376 and 506 of the Indian Penal Code.

**2** The first information report is lodged by Miss. Rupali Manohar Shaikh. It is stated in the first information report that the applicant is her relative. The applicant used to sleep in her house. That on 28.10.2015 and 31.10.2015 the applicant committed the alleged offence as contemplated under Section 376 of the Indian Penal Code. That the victim

girl thereafter intimated the said fact to her sister Miss. Monira Shaikh. That the relatives of the applicant thereafter assured the victim girl that they will perform marriage of the victim girl with the applicant. As the said assurance of marriage was not complied with by the relatives of the applicant, the present first information report is lodged on 6<sup>th</sup> November 2015. During the course of investigation, the police arrested the applicant on 6.11.2015. After completion of investigation, the police have filed chargesheet.

**3**            Heard the learned counsel for the applicant, the learned APP and perused the copy of the chargesheet annexed to the present application.

**4**            It is to be noted here that, the alleged date of incidents are 28.10.2015 and 31.10.2015 and the victim confided the said fact with her sister Miss. Monira Shaikh on 1.11.2015. that the present report is registered on 6.11.2015. The learned counsel for the applicant submitted that the alleged offence as contemplated under Section 376 of the Indian Penal Code was a consensual act, but after breach of promise of marriage, the present crime is registered. Prima facie, it appears that there is substance in the submissions of the learned counsel for the applicant. Therefore, the applicant has has made out a prima facie case for his release on bail.

5 Hence, the following Order:

(i) The applicant be released on bail CR No.374 of 2015 registered with Versova Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall not enter the jurisdiction of Versova Police Station except for marking his attendance on the stipulated dates as mentioned hereinbelow.

(iii) After his release from the jail, the applicant shall attend the Versova Police Station, Mumbai once in month i.e. on every 1<sup>st</sup> Monday of the said month between 11.00 a.m. to 2.00 p.m.

(iv) The applicant shall also attend all dates before the Trial Court.

(v) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

6 The Application is allowed in the aforesaid terms.

**(A.S. GADKARI,J.)**