

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1739 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Imran Shaikh for the Applicant.

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

Mr. S.Ansari for Respondent No.2.

CORAM : A.S.GADKARI, J.

DATE : 26th August, 2016

P.C.

1) The applicant is apprehending arrest in CR No.499/2015 dated 7.10.2015 registered with Santacruz Police Station, Mumbai under Section 375, 420 of the Indian Penal Code.

2) The first information report is lodged by Ms. Kasturi Redkar. It is stated that by giving false promise of marriage the applicant has committed an offence as contemplated under Section 376 of the Indian Penal Code. The original complainant is respondent No.2 in the present application. The respondent No.2 has filed a detailed affidavit dated 26.8.2016 opposing to grant of any relief to the applicant.

3) A bare perusal of the first information report

would reveal that the alleged act as contemplated under Section 376 was a consensual act between two adult persons. It prima facie appears from the first information report that it is only after the alleged breach of promise of marriage Section 420 of the I.P.C. is applied to the present crime.

4) The learned APP on instructions submitted that in terms of order dated 25.4.2016 the applicant has attended the Investigation Officer on the stipulated dates and has joined the process of investigation. In view of the above, the custodial interrogation of the present applicant is not necessary.

Hence, the following order.

a) In the event of arrest of the applicant in CR No.499/2015 registered with Santacruz Police Station, Mumbai he shall be released on bail on his furnishing PR bond of Rs.15,000/-with one or two local sureties in the like amount.

b) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

c) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)