

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 73 OF 2017

Nipun Arun Murarka

.... Applicant

Versus

State of Maharashtra
through Malad Police Station, Mumbai.

.... Respondent

Mr. Subodh Desai i/b. Mr. Aditya Sawant for Applicant.
Ms. Veena Shinde, APP for Respondent/State.
Ms. Manjushri Ghole, PSI, Malad Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 16TH JANUARY, 2017.

P.C.

. Heard. This is an application under Section 438 of the Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No. 297 of 2016 registered at Malad Police Station for the offence punishable under Sections 420, 354A and 506 of the Indian Penal Code.

2. It is the case of the prosecution that the complainant Marusheela Sharma got acquainted with the present applicant. They had agreed to marry. It is alleged that the applicant had solicited physical favours from the complainant and that he had borrowed an

amount of Rs. 6,15,000/- from the complainant. Subsequently, the marriage was called off and First Information Report is lodged on 20th June, 2016.

3. It is the case of the complainant that she has been cheated by the applicant. She has narrated the details. Section 354A of the Indian Penal Code is a bailable offence. As far as Section 420 of Indian Penal Code is concerned, the offence is punishable upto seven years. Moreover, on the basis of the recitals and the First Information Report, it can be inferred that due to love and affection, the complainant had given an amount of Rs. 6,15,000/- to the applicant. It is clear that since the marriage is called off, the complainant had approached to the Police Station.

4. Taking into consideration the allegations levelled against the applicant and the papers of investigation, this court is inclined to grant pre-arrest bail. The observations are restricted to an application under Section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing bail bond of Rs. 50,000/- with one or more solvent sureties in the like amount.

- (iii) The applicant shall not leave Bombay till the filing of charge sheet.
- (iv) The applicant shall attend the Police Station from 20th January, 2017 to 24th January, 2017 between 10.30 a.m. to 1.00 p.m. and co-operate the investigating agency to the best of their capacity.

(SMT. SADHANA S. JADHAV, J.)