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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 671 OF 2017

Akram Mohd. Aslam Shaikh .. Applicant
Vs.
The State of Maharashtra .. Respondent

Mr. S. C. Kanojia for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 2nd MAY, 2017.

P. C. :

1. The applicant is apprehending arrest in C. R. No. I-80 of 2017 registered with Naya Nagar Police Station, Thane under Sections 376(2) (n), 417, 423, 504 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP and also perused the record of investigation.
3. It, prima facie, appears from the record that the applicant by giving promise to marry with the first informant had established physical relations with her. That after the alleged breach of promise of marriage, the present crime is registered by the informant. A perusal of the First Information Report would reveal that the act as alleged under Section 376 of the Indian Penal Code was a consensual act between two adult persons and it is only after the alleged breach of promise of marriage, the present crime is registered.

4. In view of the above, the custodial interrogation of the applicant for further investigation of the crime is not necessary.

5. Hence, the following order:

- (i) In the event of arrest of the applicant in C. R. No. I-80 of 2017 registered with Naya Nagar Police Station, Thane, the applicant shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) The applicant shall attend the Investigating Officer as and when called for between 11.00 a.m. to 2.00 p.m. and to join the process of investigation till the filing of the final report/ charge-sheet.
- (iii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iv) The application is allowed in the above terms.

[A. S. GADKARI, J.]