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

CRIMINAL BAIL APPLICATION NO.1088 OF 2017

Azad Yusuf Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms.P.P.Kakade i/b Ms.S.S.Walke, for the Applicant.

Mr.S.H.Yadav, A.P.P. for the Respondent-State.

API - S.N.Gavli, Faraskhana Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th MAY, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.73 of 2017 registered with the Faraskhana Police Station, Pune, for the alleged offences punishable under Sections 406, 420, 376, 377, 506, 355, 499, 312 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that the applicant and the complainant were in a relationship and were to get married. She submitted that there was some dispute, as a result of which marriage could not take place, pursuant to which, the aforesaid complaint was lodged. She submitted that this Court (Coram:Revati Mohite Dere,J.) vide order dated 20th April, 2017, passed in Anticipatory Bail Application No.693 of 2017, granted pre-arrest bail to other co-accused i.e. parents, sisters and brother of the applicant.

4. Learned APP states that investigation is still in progress.

5. Perused the papers. The prosecutrix at the relevant time was about 23 years of age and the applicant was 30 years. It appears that there was a love affair between the two, and that the applicant was to get married to the prosecutrix. According to the complainant, the applicant committed an offence under Section 377 of the Indian Penal Code and when she complained about the same to the applicant, he told her that they were going to get married. She has stated that thereafter again there were physical relations between her and the applicant. According to the

complainant, there were a couple of meetings between her family members and applicant's family members to discuss their marriage, however, in the said meetings, the applicant's parents and family members made some nasty remarks about her, as they were against the marriage. She has stated that the applicant's parents even threatened to commit suicide, if the applicant got married to the prosecutrix. It is not in dispute that the applicant's parents, sisters and brother have been granted pre-arrest bail by this Court vide order dated 20th April, 2017, passed in Anticipatory Bail Application No.693 of 2017.

6. In the facts and circumstances of this case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., for a period of 12 months;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)