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

ANTICIPATORY BAIL APPLICATION NO. 322 OF 2018

Shahalam Sirajuddin Chaudhary.

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Subhash Jha a/w Siddharth Jha, Hare Krishna i/b Law Global for Applicant.
Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 4th June 2018.

P.C.:

1] By an Order dated 21st February 2018, the applicant was granted interim relief.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record.

3] The prosecution case in brief is that, the applicant in the wee hours of 21.11.2017 had been to the house of the first informant under the pretext of giving her a gift and committed rape upon her. The first information report itself mentions that, the children of the first informant aged about 17 and 14 years respectively were present in the house at that time and were sleeping. The record indicates that, the residential premises of the first informant consists of a solitary

room admeasuring 12 ft. X 12 ft. It prima facie appears that the said act as alleged by the first informant was a consensual act between two adult persons and the present crime is registered as an afterthought by the first informant. Hence the applicant deserves to be protected by pre-arrest bail.

4] In view thereof, interim relief granted by an Order dated 21st February 2018 is confirmed. However, the condition to attend the Investigating Officer/concerned Police Station is hereby waived.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)