

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.418 OF 2018
Muzaffair Hussain Ansari vs. The State of Maharashtra

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.R.V.Gupta for the Applicant,.
Mr. S.S.Hulke, APP. for the State.

CORAM :A.S.GADKARI, J.

DATE : 15th June, 2018

P.C.

1. By an Order dated 8/3/2018 the applicant was granted interim relief.
2. Heard Shri. Gupta, the learned counsel appearing for the applicant and the the APP. Perused the recored.
3. The prosecutrix was aged about 33 years on the date of lodgment of the crime. The prosecutirx is a divorcée having a child aged about 5 years from her first marriage. It is the allegation that, the applicant by giving promise to marry with the first informant had established physical relations with her and subsequently refused to perform marriage and therefore, the first informant lodged the present crime. A bare perusal of the first information report would indicate that the act as alleged under Section 376 of the I.P.C. against the applicant

was a consensual act between the applicant and the prosecutrix.

4. In view of the above and after taking into consideration the peculiar facts and circumstances of the present case, the applicant is entitled to be protected by pre-arrest bail.

5. Interim relief granted by an Order dated 8.3.2018 is hereby confirmed. However, the condition to attend the Investigating officer is waived.

6. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)