

Sarnobat

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

ANTICIPATORY BAIL APPLICATION NO. 520 OF 2018

Ameen Ahamad Ajeej.	.. Applicant.
Vs.	
The State of Maharashtra.	.. Respondent.

Mr. Adwait Bhonde, for the Applicant.
Mr. Vinod Chate, APP for the Respondent.
Ms. Ratna T. Sawant, PSI, Pimpri Police Station, Pune.

CORAM : P. N. DESHMUKH, J.

DATE : 17th APRIL, 2018.

P. C. :

1. This is an application for bail before arrest in Crime No 741/2017 under section 313, 323, 376, 376(n), 417 r/w 506 of IPC registered with Pimpri Police Station, District Pune. Heard learned counsel for applicant and learned APP. Perused the case diary. It is submitted by learned APP on instructions from investigating officer that investigation is near to completion.

2. Learned counsel for applicant submits that he is falsely involved by the complainant alleging offence of rape in a report dated 31st December, 2017 in respect of alleged physical relations between applicant and complainant on 27/05/2014 which were by consent of prosecutrix who is elder to applicant by eight years and she is a

divorcee. It is therefore, contended that since applicant was not interested in marrying prosecutrix for above reasons, though prosecutrix developed physical relations and continued with the same from the year 2014 till 2017, lodged false report. In view of above facts, application prayed to be allowed.

3. In fact considering the age of prosecutrix and belatedly report lodged by her, applicant is granted interim protection by the learned Sessions Court.

4. Perusal of report would reveal that she came in contact of applicant as a neighbour, way back in the year 2013 and they fell in love which subsequently resulted into their indulging into physical relations and one such act came to be performed between applicant and complainant on 27th May, 2014 in the house of complainant. As per report physical relations between them continued from time to time till the lodging of report and in between complainant remained pregnant on two occasions when pregnancy was terminated by consent of complainant. From report it appears that it is only when applicant refused to marry complainant being elder to him and a divorcee, report came to be lodged.

5. Considering the contents of report as aforesaid and from the case diary since it is noted that as per statement of complainant's son aged 17 years, applicant was visiting their house quite often by

itself is not sufficient to reject the application as even according to the complainant, she was into love relation with the applicant and he was visiting her. In that view of the matter, following order is passed;

ORDER

- (i) Interim order dated 16th March, 2018 stands confirmed on same terms and conditions with direction to applicant to attend investigating officer if required till filing of charge-sheet.

[P. N. DESHMUKH , J.]