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

CRIMINAL BAIL APPLICATION NO.907 OF 2018

Irshad Shaukat Makandar	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.V.K.Rathod, for the Applicant.

Ms.P.N.Dabholkar, A.P.P for the Respondent-State.

PI – Ravindra Avhad, Kasturba Marg Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th APRIL, 2018

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.436 of 2017 registered with the Kasturba Marg Police Station, Mumbai, for the alleged offences punishable under Sections 376(2)(n), 313, 384 and 506 of the Indian Penal Code.
3. Perused the charge-sheet. According to the complainant/prosecutrix, aged 24 years, she met the applicant in 2016,

when she had gone for a job interview to the Phoenix Mall; that her friendship with the applicant developed into a love affair and that on 19th May, 2016, the applicant proposed to her; that on 13th February, 2017, the applicant came to meet her and had physical relations with her, despite her protest; that pursuant thereto, in February, 2017, she became pregnant; that when she informed the applicant about the same, the applicant refused to marry her and told her that his marriage was fixed and started avoiding her; that thereafter, whenever she called the applicant, the applicant is alleged to have told her that, though he was married to another girl, he was going to divorce his wife soon and that she should abort the child. According to the complainant, though she did not want to abort the child, she had no option but to abort the child and accordingly the abortion was done on 28th April, 2017. She has stated that in July 2017, she went to the applicant's house at Worli and learnt that the applicant was not married. She has stated that when she disclosed the same to the applicant, the applicant extracted money from her stating that he had a video clipping of the physical relations between them. She has stated that thereafter, in September, 2017, there were physical relations between them, against her consent. According to the complainant, she had transferred money on different dates to the applicant's

Account, as the applicant had threatened to circulate the video clip of their physical relations. Whether or not the relations were with consent or not, is a matter which will be decided by the Trial Court. The complainant was about 24 years of age and the applicant about 29 years, at the relevant time. The applicant is in custody for about six months. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid, further custody/detention of the applicant is not required. Accordingly, 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.25,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- 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/contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the trial Court, within two week's of his release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

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

6. 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.

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

(REVATI MOHITE DERE, J.)