

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 1052 OF 2018**

Mohd. Abrar Shadrudin Ahmed

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. B.N. Pokhriyal for the Applicant.

Ms. Rutuja Ambekar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 13th AUGUST, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 548 of 2017 dated 8th November, 2017 registered with Bandra Police Station, Mumbai under Sections 376, 417 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge sheet.

3 The prosecutrix was aged about 25 years on the date of lodgment of the crime.

It is the prosecution case that, the Applicant was residing on the first floor of the building where the prosecutrix was residing.

She got acquainted with the Applicant through Smt. Nazama Yasin Ansari. That, the Applicant by giving promise to marry established physical relations with the prosecutrix and subsequently resiled from his promise. In the premise, the present crime is registered.

During the course of the investigation, the Applicant came to be arrested on 8th November, 2017 and after completion of investigation, the police have submitted charge sheet.

4 The perusal of the first information report and other documents would *prima facie* indicate that, the prosecutrix was a consenting party to the alleged act as contemplated under Section 376 of the Indian Penal Code against the Applicant.

The police have already completed investigation and no fruitful purpose will be served by further keeping the Applicant in incarceration. The Applicant therefore, can be released on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. 548 of 2017 registered with Bandra Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

- b) After his release from Jail, the Applicant shall attend the Bandra Police Station, on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till conclusion of the trial.
- c) The Applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

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