

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1416 OF 2018  
Imtiyaz Mohd. Farooque Ansari vs. State of Maharashtra

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| Office Notes, Office Memorandum of<br>Coram, appearances, Court's orders or<br>directions and Registrar's orders | Court's or Judge's orders |
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Smt. Sushama Mishra for the Applicant.

Mr. S.S. Hulke, APP.for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 24<sup>th</sup> July, 2018

P.C.

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in CR No.496/2017 dated 4.10.2017 registered with Samta Nagar Police Station, Mumbai under Sections 376, 384, 417, 313, 501,506 of the Indian Penal Code and under Section 67 and 67(A) of the Information Technology Act.

2. The first information report is lodged by the prosecutrix who was admittedly major on the date of lodgment of the crime.

The prosecution case in brief is that, the applicant got acquaintance with the first informant in the Company where both were working. The applicant by suppressing the fact that, he was already married gave promise of marriage to the

prosecutrix and therefore established physical relations with her. It is the further prosecution case that, the applicant also extended threats to the prosecutrix that, he will publish her objectionable photographs on social media. It is also alleged that when the prosecutrix got pregnant the applicant caused her medical termination of pregnancy. It is thus alleged that, the applicant by taking undue advantage of the situation of the prosecutrix gave promise to marry with her and established physical relations with her and subsequently resiled from his promise.

During the course of investigation the applicant came to be arrested on 7.10.2017 and after completion of investigation the police have submitted charge sheet.

3. As noted herein above the applicant by giving promise to marry with the respondent established physical relations with her. Perusal of the first information report and other documents on record would prima facie indicate that the first informant was a consenting party to the alleged act as contemplated under Section 376 of the Indian Penal Code against the applicant. The investigation in the present crime is already completed and police have submitted charge sheet.

4. In view thereof, the applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No.496/2017 dated 4.10.2017 registered with Samta Nagar Police Station, Mumbai now culminated into Sessions Case No.12/2018 pending on the file of Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi, Goregaon, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- c) The applicant shall not tamper with the evidence and or influence the prosecution witnesses.
- d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)