

nsc.

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

ANTICIPATORY BAIL APPLICATION NO.1359 OF 2017

Sahil Vinod Chopra	...Applicant
Versus	
State of Maharashtra	...Respondent

***CRIMINAL APPLICATION NO.913 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.1359 OF 2017***

Dipika Suryanarayan Mishra	...Intervener
----------------------------	---------------

IN THE MATTER BETWEEN

Sahil Vinod Chopra	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.A.J.Phoujdar, for the Applicant

Mr.S.S.Hulke, A.P.P for the Respondent-State.

Mr.P.S.Mishra, for the Intervener.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th MARCH, 2018

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.276 of 2017 registered with the Dahisar Police Station, for the alleged offence punishable under Section 376 of the Indian Penal Code.

3. Perused the charge-sheet. The complainant (prosecutrix) aged 36 years has lodged the aforesaid complaint, as against the applicant, aged 34 years. According to the prosecutrix, she met the applicant, sometime in 2006 and that their friendship developed into a love affair. She has stated that she and the applicant met in Mumbai and that they had physical relations. She has stated that in 2011, she had to undergo an abortion and again in 2016, she had to abort the child. She has stated that thereafter the applicant and she had decided to get married and that they had fixed the wedding on 3rd November, 2016. She has stated that their families met each other and both the families approved of each other and as such they started preparing for the marriage, including purchase of ornaments and clothes. She has stated that she had taken a loan from the IDBI Bank, which was disapproved by the applicant and hence there was quarrel between the two. She has stated that thereafter, the applicant told her that

he would demand a sum of Rs.25 lakhs as dowry from her father and that if the said amount was not paid, he would break the marriage. She has stated that on 23rd September, 2016, when she had gone to Surat, there was a quarrel between her and the applicant and that the applicant abused her and told her that he did not want to get married to her. Again in October, 2016, the applicant is alleged to have told her that he would get married, if she fulfilled certain conditions, to which she agreed. She has stated that again in January, 2017, the applicant defamed her family and told her that he did not want to get married to her. It also appears that the prosecutrix had attempted to commit suicide, pursuant to which she was admitted in Birla Hospital. According to the prosecutrix, she had physical relations with the applicant, as he had promised to marry her, but later, refused to marry her. *Prima facie*, it appears that the applicant and the complainant were in a relationship for about 10 years prior to lodging of the complaint. Whether or not the relations were by consent or not or whether there is breach of promise to marry, is a matter which will be decided by the trial Court.

4. In the peculiar facts and circumstances of the case, custodial

interrogation of the applicant is not necessary. The application is accordingly allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 5th April, 2018, 6th April, 2018 and 7th April, 2018 , between 10.00 a.m. to 12.00 noon, and thereafter as and when called, till the filing of the charge-sheet;
- (iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case.
- (iv) The Applicant shall co-operate in the conduct of the trial.

5. The Application is allowed in the aforesaid terms and is

accordingly disposed of.

6. In view of the disposal of the Anticipatory Bail Application No.1359 of 2016, the Intervention Application being Criminal Application No.913 of 2017 does not survive and the same is also disposed of.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

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

(REVATI MOHITE DERE, J.)