

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

ANTICIPATORY BAIL APPLICATION NO. 1602 OF 2018

Yusuf Iliyas Shaikh

... Applicant

Vs.

The State of Maharashtra

... Respondent

...

Mr. S.Khan and Mr. Sayyad I/b A.A.Mirza & Associates for the applicant.

Mrs. G.P. Mulekar, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 27th AUGUST, 2018.

P.C.

1. The applicant apprehending in arrest in connection with CR No. 457 of 2018 registered with Malvani Police Station under Sections 376, 417, 323 and 504 of Indian Penal Code. The case of the complainant is that she is married lady having children. Her husband used to pick up quarrel with her after consuming liquor and since 2011 she is residing separately. She got acquainted with applicant accused which developed into friendship. They had physical relationship in 2012. The accused thereafter promised her that he will marry her. He also introduced her to his mother and wife. They stayed together for a period of about four years. In 2016, applicant hired premises on rental basis and both of them

started residing together. For all these period they had physical relation however accused did not fulfill the promise of marriage with the complainant. The applicant preferred an application for anticipatory bail before the Sessions Court which was rejected on 13th July, 2018.

2. Learned advocate for the applicant submitted that the relationship was consensual and the alleged offences are not made out. The custodial interrogation of the applicant is not required.

3. Learned APP submitted that the accused was aware that the complainant is married lady and despite that he made false promise to develop physical relationship. The accused did not fulfill his promise to marry the complainant.

4. On perusal of the First Information Report, it is apparent that the complainant and the accused were in relationship since 2012 and they have resided together for a long period of time. Apparently, the relationship is consensual. Considering the nature of the allegations and the factual aspects as involved in the matter, custodial interrogation of the applicant is not required.

ORDER

- i) Anticipatory Bail Application No. 1602 of 2018 is allowed.
- ii) In the event of arrest, the applicant be released on bail in

connection with C.R. No. 457 of 2018 with Police Station Malvani on furnishing PR Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

iii) Applicant shall report to the Malvani Police Station once a fortnight on Saturday between 11 a.m to 2 p.m. till filing of the chargesheet.

iv) Application stands disposed off.

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Kuttan Nair
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(PRAKASH D. NAIK, J.)