

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

CRIMINAL BAIL APPLICATION NO. 2810 OF 2017

Ahmed Shabuddin Shaikh ... Applicant.

Versus

The State of Maharashtra ... Respondent.

Mr. Mohd. Muquim Khan, Advocate for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : MARCH 07, 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. 285 of 2017 registered with the Khar Police Station, Khar West, Mumbai, for the alleged offences punishable under Sections 376, 504, 506 of the Indian Penal Code.

3 Perused the papers, in particular the statement of the prosecutrix, aged 19 years. According to the prosecutrix, she was in love with the applicant, aged 21 years, for two years prior to the registration of the said complaint. She has stated that she had

consented to have physical relations with the applicant, as the applicant had promised to marry her. She has further stated that, on 09.08.2017 she realized that she was pregnant and informed the same to the applicant, who started abusing and threatening her. She has stated that pursuant thereto, she lodged the complaint against the applicant stating, that she had physical relations with the applicant on the assurance that he would marry her, however, later refused to marry her.

4 The applicant is in custody since 10.08.2017. Investigation is complete and the charge-sheet is filed.

5 Considering the peculiar facts of this case, 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. 15,000/- with one surety in the like amount.
- ii) The Applicant shall not contact the prosecutrix and/or any other witnesses concerned with the said case.
- iii) The Applicant shall not enter the vicinity where the prosecutrix resides till the conclusion of the trial.

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

6 The Application is allowed and disposed of in the above terms.

7 It is made clear that the observations made herein are prima facie and are confined to this application and the learned Sessions Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8 All concerned to act on the authenticated copy of this order, duly issued by the Registry of this court.

(REVATI MOHITE DERE, J.)

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