

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

ANTICIPATORY BAIL APPLICATION NO.2157 OF 2017

Nasir Husain Salimullah Ansari

.. Applicant

Vs.

State of Maharashtra & Anr.

.. Respondents

.....

Mr.Narendra Kumar R. Sharma, Advocate for the Applicant.

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

Ms.Bimla Chounal, Advocate for Respondent No.2.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 30, 2018.

P.C. :

This is an application for anticipatory bail in CR No.554 of 2017, registered with Goregaon Police Station, for the offences punishable under Sections 376, 509, 506 (II)323, 417 of IPC.

2 The case of the complainant is that she was acquainted with the applicant - accused. Thereafter they became friend and there was physical relationship between them. Applicant - accused had promised her that he would marry her. First incident of sexual relationship had occurred on 1st May, 2015, and, thereafter, on 1st January, 2017. First Information Report was registered on 27th October,2017.

3 It also appears that prior to registration of FIR, the complainant had submitted her complaint to the police station. Thereafter, she forwarded letter dated 20th September, 2017 to the police station stating that she has no complaint against the applicant – accused. Complainant is impleaded as respondent no.2 in this case. She is present in Court and identified by her advocate. Complainant has also filed an affidavit. In the affidavit, it is stated that she had voluntarily without any coercion or any force, filed application for quashing FIR as she wants to get married to someone else of her choice and if the criminal case continues for long, it will certainly be a hindrance in her marriage. She had further stated that she has no objection for granting anticipatory bail to applicant. Learned advocate for the applicant submits that in the circumstances, custodial interrogation of applicant is not required. It is further submitted that parties have settled their dispute and they have filed the petition for quashing the proceedings.

4 Complainant is present in the Court. Considering the aforesaid circumstances, case for grant of bail is made out.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.2157 of 2017, is allowed;
- (ii) In the event of arrest of the applicants in connection with CR No.544 of 2017, registered with Goregaon Police Station, Mumbai, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs.50,000/-, with one or two local solvent sureties in the like amount;
- (ii) Interim order dated 20th December, 2017, is hereby confirmed;
- (iv) Anticipatory Bail Application No.2157 of 2017, stands disposed of.

(PRAKASH D. NAIK, J.)