

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

ANTICIPATORY BAIL APPLICATION NO. 164 OF 2019

Javed Hanif Shaikh

... Applicant

Vs.

The State of Maharashtra

... Respondent

...

Mr. Kuldeep S. Patil for the applicant.

Mr. M.G.Patil, APP for the Respondent-State

Mr. Sunil Shinde, PSI, Sakinaka Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 18th JANUARY, 2019.

P.C.

1. Applicant is apprehending arrest in connection with CR No. 921 of 2018 registered with Saki Naka Police Station, Dist. Mumbai for the offence punishable under Section 376(1), 420 of the Indian Penal Code.

2. Complainant was acquainted with the applicant since 14 years and they were in relationship. The complainant had performed marriage with another persons three years ago but after knowing about her relationship with applicant, she was divorced. In September, 2018, accused had promised to the complainant that he would marry her and had physical relationship. In

October, 2018, there was physical relationship between them at lodge. Subsequently, the complainant realized that she has conceived and informed about the same to the applicant. It is alleged that applicant had agreed to perform marriage and on 6th December, 2018 both of them went to Bandra near Family Court for registration of marriage. There was a quarrel between them. Applicant had allegedly backed out from the promise of marriage. Supplementary statement of the complainant was recorded on 22nd December, 2018 in which she has stated that there was sexual relationship between the applicant and the complainant from 2017 to 2018 under promise of marriage by applicant.

3. Learned APP submits that presence of the applicant is required for the purpose of medical examination. Considering the nature of allegations in the First Information Report and the Supplementary Statement, no case for custodial interrogation is made out. Applicant is directed to co-operate with the investigation.

ORDER

i. In the event of arrest of the applicant in connection with C.R No.921 of 2018 registered with Saki Naka Police Station, applicant be released on bail on their furnishing P.R. Bond in the sum of

Rs.20,000/- each with one or more sureties in the like amount;

- ii. Applicant shall report to the Investigating Officer of the concerned Police Station on 28th January, 2019 and 29th January, 2019 between 11 a.m. to 1 p.m and thereafter as and when called for by the Investigating Officer till filing of chargesheet;
- iii. Applicant shall co-operate with the Investigating Officer for the purpose of conducting his medical examination;
- iv. Application stands disposed off.

(PRAKASH D. NAIK, J.)