

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

BAIL APPLICATION NO. 200 OF 2019

FAHEEM AHMED KASEEMAPPLICANT
SHAIKH

Vs.

THE STATE OF MAHARASHTRARESPONDENT

Mr. Ashish Mishra, Ms. Kanchan Dube, Ms. Neha Yadav for the Applicant.

Mr. Ajay Patil APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 1st APRIL, 2019.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 406 of 2018 dated 7th June, 2018 registered with Dahisar Police Station, Mumbai under Sections 376, 420, 354(c), 324, 323, 506 and 504 of the Indian Penal Code and under Section 66 of Information Technology Act, 2008.

2 Heard the learned counsel for the Applicant and the learned APP. Perused the charge-sheet.

3 The first information report is lodged by the prosecutrix.

It is the prosecution case that, the Applicant and prosecutrix were having love affair since the year 2008. That, the

Applicant by extending promise to marry with the prosecutrix, established physical relations with her. That, in the month of February, 2013 when the prosecutrix was pregnant, it is alleged that the Applicant pressurized the prosecutrix to perform medical termination of pregnancy at a hospital situated at Grant Road. In October, 2017, the Applicant resiled from the promise of marriage and thereafter, the present crime is registered.

During the course of investigation, the Applicant came to be arrested on 4th October, 2018 and after completion of investigation police have submitted charge-sheet.

4 The record indicates that, apart from the facts mentioned in the afore-stated paragraph, the prosecutrix was residing with the Applicant in the year 2016 in a room situated at Nal Bazar near Gol Temple, Mumbai and they had physical relations at that time also. It *prima facie* appears that, the prosecutrix was having live-in-relationship with the Applicant and it is only when the Applicant resiled from the promise of marriage, the present crime is registered.

5 As noted earlier, the investigation of the present crime has already been completed and no fruitful purpose will be served by further keeping the Applicant in incarceration. It is submitted by the

learned counsel for the Applicant that there are no antecedents at the discredit of the Applicant.

6 In view of the above, the Applicant can be released on bail

Hence, the following order.

- a) The Applicant be released on bail in CR No. CR No. 406 of 2018 dated 7th June, 2018 registered with Dahisar Police Station, Mumbai, on his furnishing PR bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- b) After his release from Jail, the Applicant shall attend all the dates before the Trial Court unless exempted by the concerned Court.
- c) Any two consecutive defaults in complying with the afore-stated condition will attract the provisions of cancellation of bail.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)