

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 256 OF 2019

Alim Asghar Khan

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.Harshad G. Meshram for the applicant.

Mrs.G.P. Mulekar, APP for the respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st FEBRUARY 2019

P.C. :

1. This is an application for anticipatory bail application in connection with CR No.I-330 of 2018 registered with Bhiwandi Police Station, Mumbai for offence punishable under Sections 376, 315, 417, 506 of the Indian Penal Code, 1860. The FIR was lodged on 9th October 2018.

2. The victim is major lady. It is alleged that the victim is divorcee. The applicant/accused got acquainted with the victim since past eight months. The applicant/accused promised the victim that he would marry her. Thereafter, there was physical relationship

between the applicant/accused and the victim. In September 2018, it was noticed that the victim had conceived. The applicant allegedly gave her pill for abortion. Thereafter, the pregnancy was terminated. It is alleged that the applicant/accused had promised the victim that he would marry her and had physical relationship with her. The FIR was lodged on 9th October 2018.

2. Learned counsel for the applicant submitted that taking into consideration factual matrix of this case, it is apparent from the FIR that the relationship was consensual. The victim was a major lady. The applicant has not subjected her to abortion.

3. Learned APP submitted that the victim had undergone abortion. She relied on the certificate issued by the Civil Hospital, Thane. On perusal of the said certificate, it is apparent that it was the case of complete abortion. Nothing is there to indicate that on account of administration of a pill by applicant, the victim was required to undergo abortion.

4. Taking into consideration aforesaid facts, the case for grant of anticipatory bail is made out.

5. Hence, I pass following order;

ORDER

- (i) Anticipatory Bail Application No.256 of 2019 is allowed;
- (ii) In the event of arrest of the applicant in connection with CR No. I-330 of 2018 registered with Bhiwandi Police Station, Mumbai, applicant be released on bail on his furnishing PR Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the Investigating Officer on 8.02.2019, 11.02.2019 and 12.02.2019 between 11.00 am to 1.00 pm and thereafter as and when called for by the Investigating Officer till the filing of the chargesheet.
- (iv) Anticipatory Bail Application stands disposed off.

[PRAKASH D. NAIK, J.]