

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 733 OF 2019

Suraj Harishankar Varma	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Ms.Priyanka Dubey for Applicant.
Ms.J.S. Lohokare, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 26th March 2019.

P.C. :

1] The applicant is apprehending arrest in connection with C.R. No.007 of 2019 dated 06/03/2019 registered with Kelwa Sagari Police Station, Palghar, for the offence punishable under Section 376, 417 and 506 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] The prosecutrix is aged about 31 years.

It is the case of the prosecution that, the prosecutrix got acquainted with the applicant in the month of December 2013 and

thereafter, their acquaintance was blossomed into an affair. That the applicant by extending promise to marry, established physical relations with the prosecutrix. That due to the said relations, the prosecutrix became pregnant and on 20th April 2018, at the insistence of the applicant, she underwent medical termination of pregnancy. The applicant subsequently resiled from the promise of marriage. In the premise, the first information report is lodged.

4] The record of investigation indicates that when the prosecutrix was admitted in Mansarovar Hospital at Bhoisar, her name was mentioned in the medical record as Smt.Marjina Mansuri. The record further indicates that the prosecutrix had willingly signed the medical papers before the said medical procedure. The medical record has already been seized by the investigating agency.

5] A perusal of the first information report would indicate that the prosecutrix was a divorcee and subsequently, she developed relations with the applicant herein. It *prima-facie* appears that the relations between the applicant and the prosecutrix were consensual.

6] In view of the above, the custodial interrogation of the applicant for investigation of the present crime is not necessary and the

applicant can be protected by pre-arrest bail.

Hence, following order.

- (i) In the event of arrest in CR No.007 of 2019 registered with Kelwa Sagari Police Station, Palghar, the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.20,000/- with one or two solvent local sureties in the like amount.
- (ii) Applicant shall attend the Investigating Officer as and when called for between 10.00 a.m. to 1.00 p.m., after receipt of a notice in writing from the Investigating Officer and to join the process of investigation till submission of final report.
- (iii) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (iv) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]