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

ANTICIPATORY BAIL APPLICATION NO.1139 OF 2019

Aashiq Ali Munir Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr.Subhash Jha a/w Mr.Hare Krishna Mishra i/b Mr.Sanjay R. Singh, for
the Applicant.

Ms.Veera Shinde, A.P.P for the Respondent - State.

P.I. S.D.Kadam – Vikhroli Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 20th JUNE, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.183 of 2019 registered with the Vikhroli Police Station, Mumbai, for the alleged offences punishable under Sections 376 and 417 of the Indian Penal Code.

3. Perused the papers. According to the prosecutrix, aged 24 years, she met the applicant on 15th May, 2014, when he visited the shop, where she was working, to purchase a mattress. She has stated that their acquaintance developed into friendship and thereafter, their friendship developed into a love affair. She has stated that from 2014 they started meeting each other frequently at various places. According to the prosecutrix, the applicant told her that he will convert himself from Muslim to Hindu religion and that they would perform an inter-caste marriage and would ask her to have physical relations with her. She has stated that she had physical relations with the applicant for the first time on 12th October, 2016, at her residence and that the same was consensual. She has stated that thereafter also they had physical relations and the same was consensual. She has further stated that in February 2019, she received a call from one lady, who informed her that the applicant was having an affair with her for 2 years. She has stated that when she questioned the applicant, the applicant told her that he would perform marriage in his community and that she should marry in her community. She has further alleged that when she requested the applicant to perform marriage with her, he avoided meeting her, pursuant to which, she lodged the aforesaid complaint.

4. Having regard to the peculiar facts, custodial interrogation of the applicant is not necessary. The application is accordingly allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall not contact the complainant, witnesses or any person concerned with the case.
- (iii) The Applicant shall co-operate in the conduct of the trial.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.