

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1281 OF 2019**

Vikas Ashok Gupta	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Pooja Joshi I/b Mr. A. M. Saraogi for the Applicant

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

PI Mr. Chaudhary from Sahar Police Station, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 18th 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. 147 of 2019 registered with the Sahar Police Station, Mumbai, for the alleged offence punishable under Sections 376(1), 504 and 506 of the Indian Penal Code.

3 Perused the papers. According to the complainant, she was married to one Suryakant and that in 2012, her husband-Suryakant

committed suicide. She has stated that from the said wedlock, she has two children, aged 13 and 7 years. The complainant has alleged that after the demise of her husband, she came into contact with the applicant, somewhere in June 2012 and that the applicant slowly and gradually started supporting her. She has further stated that the applicant was taking care of the whole family and even offered to marry her. She has stated that considering the age-gap between her and the applicant, she initially declined to marry him, but subsequently, accepted the proposal. She has stated that the applicant started residing at her residence and that everyone was aware of her relationship with the applicant. She has stated that in 2018, she became pregnant from the said relationship, however, as the applicant did not want the child, the child was aborted. She has stated that thereafter, the applicant started avoiding her, pursuant to which, she lodged a complaint. According to the complainant, on the pretext of marriage, the applicant had physical relations with her. The complainant was about 35 years of age at the relevant time and the applicant was about 29 years.

4 It is also alleged by the complainant in her supplementary statement that the applicant has taken some of her documents and her two

gold chains, one silver bracelet and silver ring.

5 Learned counsel for the applicant, on the instructions of the applicant, makes a statement that the applicant, without admitting his liability and without prejudice to his rights, is willing to hand over a sum of Rs. 1,10,000/-, an amount equivalent to the gold and silver items, to the complainant. Learned counsel states that the amount would be handed over to the complainant within two weeks from today by demand draft. The said statement is accepted.

6 As far as other documents i.e. FIR, Aadhar Card and medical case papers of abortion are concerned, the applicant denies having the said documents. In these circumstances, it is always open for the complainant to apply to the concerned authorities for duplicate copies of the same.

7 In the peculiar facts of this case, custodial interrogation of the applicant is not necessary. Accordingly, the application is 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. 20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 24th, 25th and 26th June 2019 from 10:00 a.m. to 12:00 noon;
- (iii) The applicant shall hand over the demand draft of Rs. 1,10,000/- to the complainant through the concerned authorities within two weeks from today;
- (iv) The applicant shall not tamper the evidence or attempt to influence the complainant, witnesses or any person concerned with the case.
- (v) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details,

if any, from time to time to the Investigating Officer of the concerned Police Station.

8 The application is accordingly disposed of.

9 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.