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

ANTICIPATORY BAIL APPLICATION NO.1286 OF 2019

Sushil Vijendrakumar Sihag	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.V.S.Babar, for the Applicant.

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

API – Haresh Kalsekar, Rabale Police Station, Navi 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.278 of 2019 registered with the Rabale Police Station, Navi Mumbai, for the alleged offences punishable under Sections 376(2)(n) and 406 of the Indian Penal Code.

3. Perused the papers. The complainant (prosecutrix) aged 26 years was employed as a Project Coordinator by the applicant in his company on 9th July, 2017. During the course of the work, it appears that the applicant and the prosecutrix became friendly and their friendship developed into a love affair. Thereafter, the parties started exchanging messages on WhatsApp. It appears that in March 2017, the applicant and the prosecutrix went for a drive and as it was late, the applicant suggested that the complainant stay in his house. The other family members were present at home. It is alleged that the applicant had physical relations with the prosecutrix on the pretext of marriage. Thereafter, the physical relations between them continued on several occasions in hotels and lodges. According to the prosecutrix, she had physical relations with the applicant, as the applicant had promised marriage. She has alleged that the applicant opened a beauty salon/parlour for her in June, 2017 and contacted several people and secured a loan for the parlour. The parlour was purchased in the name of the prosecutrix for a sum of Rs.5,50,000/- and money was also spent for the interior and furniture. It appears, that later, due to huge losses the prosecutrix had to shut down the parlour. It is alleged by the complainant that from the said relationship, she became pregnant

and started asking the applicant to marry her, however, the applicant asked her to abort. She has stated that she aborted the child on 23rd September, 2017. She has further stated that the applicant purchased a car for the prosecutrix after securing a loan, however on 12th March, 2019, the applicant borrowed the car from her and did not return the same to her. Accordingly, the prosecutrix lodged the aforesaid complaint as against the applicant. In her supplementary statement the prosecutrix had alleged that the applicant had taken a sum of Rs.9,72,000/- by way of hand loan from various persons. The same is refuted by the learned counsel for the applicant. Learned counsel for the applicant submits that the entire loan was taken by the complainant for the parlour.

4. Be that as it may, learned counsel for the applicant states that the applicant, without admitting having taken the hand loan and without prejudice to his rights and contentions is ready to deposit 50% of Rs.9,72,000/-, in the Registry of this Court. It is informed that the applicant has also returned the car to the complainant.

5. Considering the peculiar facts and circumstances of this case, 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.10,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 27th June, 2019 and 28th June, 2019 between 10.00 a.m. to 12.00 noon;
- (iii) The applicant shall co-operate in the conduct of the trial;
- (iv) The applicant shall without prejudice to his rights and contentions, deposit 50% of Rs.9,72,000/- i.e. Rs.4,86,000/-, in the Registry of this Court, within two weeks from today.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.
7. Stand over to 5th July, 2019, for recording compliance of the order of deposit. To be placed under the caption 'For Direction'.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.