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

ANTICIPATORY BAIL APPLICATION NO.1340 OF 2019

Atif Raza Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Vedchetan Patil, for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 17th JULY, 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. I-485 of 2019, registered with the Shanti Nagar Police Station, Thane, for the alleged offences punishable under Sections 376 and 313 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the applicant,

aged 26 years met the complainant, aged 24 years, in June, 2018. It appears that their friendship developed into a love affair. It also appears that the applicant had expressed his willingness to marry the complainant. According to the complainant, the applicant had given her certain pills, pursuant to which, the child was aborted. The said incident of abortion is stated to have taken place sometime in February, 2019. It appears that even after the abortion, the complainant continued to meet the applicant and had physical relations with him.

4. Learned APP states on instructions that the applicant has reported to the Investigating Officer of the concerned Police Station, as directed by this Court vide order dated 25th June, 2019.

5. It appears that the applicant and the complainant are adults, having met in June, 2018. It also appears that their friendship developed into a love affair and that the applicant expressed his willingness to marry the complainant. It also appears that after abortion, the complainant and the applicant continued to meet each other and had physical relations. Whether or not the relations were with consent or on the assurance of promise to

marry, is a matter which will be decided by the trial Court.

6. In the facts, the custodial interrogation of the applicant is not warranted. 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.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 July, 2019 and 25th July, 2019, between 10.00 a.m. to 12.00 noon, and thereafter as and when called, till the filing of the charge-sheet;

(iii) The applicant to make himself available for the medical test on the aforesaid dates;

(iv) The applicant shall not contact 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 trial Court as well as to the Investigating Officer of the concerned Police Station, in writing;

(vi) The applicant shall co-operate with the Investigating Agency.

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

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

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

REVATI MOHITE DERE, J.