

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1373 OF 2019

Ashfan Kasam Baghdadi

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Sudhir P. Khatu a/w Mr. Rajesh S. Jaiswar, Advocate, for the Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

Mr. Rakesh Gumane, PSI, CBD Belapur Police Station, Navi Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 16.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 90 of 2019 registered with the CBD Belapur Police Station, Navi Mumbai, for the alleged offences punishable under Sections 376, 377, 504, 506 & 417 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the Applicant, aged 46 years and the Complainant, aged 28 years met each

other sometime in December, 2018. He submitted that their acquaintance developed into a love affair and they started meeting each other frequently. Learned counsel for the Applicant submits that although the Complainant has alleged that she had physical relations with the Applicant, as the Applicant had promised marriage, the said relations were in fact consensual. He submitted that the prosecutrix has alleged that the Applicant exploited and raped her on several occasions, on the promise of marriage and the last incident, being some time in March, 2019. According to the learned counsel, in fact, the Applicant was not in India in March, 2019 and as such, this shows the falsity of the allegation.

4. Learned APP states that the Applicant has attended the concerned police station, as directed by this Court vide order dated 27.06.2019, whilst granting interim protection to the Applicant.

5. Perused the papers. The Applicant, aged 46 years met the Complainant, aged 28 years in December, 2018 and that their acquaintance and friendship developed into a love affair. It is alleged by the Complainant, that the Applicant had physical relations with her on several occasions, on the promise to marry her. According to the

Complainant, the Applicant exploited and raped her on several occasions, after promising marriage.

6. Learned APP states that according to the Complainant, the last episode of physical relation took place in March, 2019, however, it appears that the Applicant was not in India at that time. Be that as it may, the Applicant has co-operated with the investigation.

7. Having regard to the peculiar facts, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 25,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall attend the concerned police station **as & when called for** by the investigating officer;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall co-operate with the investigation.

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

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

(REVATI MOHITE DERE, J.)