

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1755 OF 2019**

Siddhesh Nandu Doud @ Dound	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Vinayak Patil a/w Mr. Ranjit B. Ade for the Applicant

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

API Mr. V. G. Nawade from Nehru Nagar Police Station, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 4th SEPTEMBER 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. 258 of 2019 registered with the Nehru Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 376(2)(N), 377, 417, 354D r/w 34 of the Indian Penal Code.

3 Learned counsel for the applicant submits that the allegations made by the prosecutrix, aged 30 years, a married woman with a child, are

false and baseless. He submits that the relations between the prosecutrix, aged 30 years and the applicant, aged 28 years were consensual in nature. He further submits that infact, the applicant and the prosecutrix were married earlier and that the said fact is suppressed by the prosecutrix.

4 In view of the statement made by the learned counsel for the applicant, the learned A.P.P was directed to take instructions, vide order dated 13th August 2019, whether the applicant and the prosecutrix were married earlier. Learned A.P.P, on instructions, states that the applicant and the prosecutrix were married earlier.

5 Perused the papers. *Prima facie*, it appears that the applicant and the prosecutrix were married earlier and the said fact has been suppressed by the prosecutrix.

6 Having regard to what is stated aforesaid, custodial interrogation of the applicant is not warranted. Accordingly, the interim protection granted by this Court vide order dated 13th August 2019 stands confirmed 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 report to the Investigating Officer of the concerned Police Station on 18th and 19th September 2019 from 10:00 a.m. to 12:00 noon;

(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.

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*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.