

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2917 OF 2019**

Sayyed Shehbaz Akhtar s/o
Sayyed Akhtar @ Monu
Versus
The State of Maharashtra

...Applicant

...Respondent

Ms. Heena M. Ahmed for the Applicant

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

PSI Mr. Jitendra Wagh, Nodal Officer from Chunabhatti Police Station, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 18th OCTOBER 2019

P.C. :

1 Learned counsel for the applicant seeks leave to amend. Leave granted. Amendment be carried out forthwith.

2 Heard learned counsel for the parties.

3 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 244 of 2019 registered with the Chunabhatti Police Station, Mumbai, for the alleged offences punishable under Sections 376, 376(2)(n), 323, 504, 506, 417 of the Indian Penal Code.

4 Perused the papers. It appears that the complainant/prosecutrix visited a doctor on 3rd September 2019, as she had pain in her abdomen. The doctor, after checking her, informed her that she was 7 month's pregnant, pursuant to which, the doctor called the police and accordingly, the aforesaid FIR/complaint was registered. In the said complaint/FIR, the prosecutrix aged 20 years has alleged that she got acquainted with the applicant in 2013. She has stated that their friendship developed into a love relationship and they started meeting each other. She has stated that in 2018, the applicant took her to his house and proposed marriage and thereafter, had physical relations with her. She has stated that she trusted the applicant that he would get married to her, pursuant to which, she had physical relations with him. She has stated that they started roaming around with each other and continued to have physical relations. According to the prosecutrix, on 2nd September 2019, when she asked the applicant to marry her, he refused.

5 Learned counsel for the applicant states that the relations between the prosecutrix and the applicant were consensual. She relied on certain photographs to show that the relationship was consensual.

6 Whether or not the relations were consensual, is a matter which will be decided by the trial Court. The applicant is in custody since 3rd September 2019.

7 Considering the aforesaid, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or more sureties in the like amount;
- (ii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted.

8 The application is accordingly disposed of.

9 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.