

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

CRIMINAL BAIL APPLICATION NO. 3343 OF 2018

Samshuddin Mansur Ansari ... Applicant
Vs.
The State of Maharashtra ... Respondent
...
Mr. Prabha Badadare I/by Moses Anthony for the applicant.
Mr. Prashant Jadhav, APP for the Respondent-State.
...

**CORAM : PRAKASH D. NAIK, J.
DATE : 15th FEBRUARY, 2019.**

P.C.

1. This is an application for bail in connection with C.R. No. 367 of 2017 registered with Mira Road Police Station for the offence punishable under Section 376, 313, 420, 323, 504, 506 and 507 of Indian Penal Code. Applicant was arrested on 20th October, 2018.
2. The prosecution case in short is that complainant was acquainted with the applicant since May, 2017. It is alleged that applicant had promised that he would marry her. He had not disclosed that he is already married. Subsequently, complainant came to know about his marriage. However, the applicant had

promised that he would perform marriage and there was physical relationship between them. It is also alleged that complainant had conceived and the pregnancy was terminated.

3. From the version of the complainant reflected in the First Information Report, it is apparent that she was closed acquainted with the applicant since 2017. There was physical relationship between them. First Information Report was lodged on 20th October, 2018. Learned counsel for the applicant submits that relationship was consensual. Applicant is in custody from the date of arrest and further custody is not required. Learned APP submitted that accused had made false promise. The complainant was induced to part with an amount of Rs.2,00,000/- to the applicant. First Information Report makes out the case for offence under Section 376 as well as Section 420 of Indian Penal Code.

4. It is apparent that victim was acquainted with the applicant since 2017. Both of them had physical relationship on several occasions. *Prima facie*, relationship was consensual in nature. Applicant is in custody from 20th October, 2018. Investigation is completed and chargesheet has been filed. Hence, case for grant of bail is made out.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. 367 of 2017 registered with Mira Road Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. Applicant shall report to the Investigating Officer of the concerned Police Station once in a month on first Saturday of every month between 11 a.m. to 1 p.m. till further order;
- iv. Applicant shall not tamper with the prosecution witnesses;
- v. Application stands disposed off.

(PRAKASH D. NAIK, J.)