

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.588/2019

Sayed Jafar Sayed Nasir

..VS..

State of Mah., thr. PSO PS Frezorpura, District Amravati

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri Vinay Dahat, Counsel for the Applicant.
Shri V.A.Thakare, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : AUGUST 30, 2019.

1. This is an application for grant of anticipatory bail.
2. Heard learned counsel Shri Vinay Dahat for the applicant and learned Additional Public Prosecutor Shri V.A.Thakare for the State. Also, perused reply filed on behalf of the State.
3. The applicant is apprehending his arrest in connection with Crime No.854/2019 registered with Frezorpura Police Station, District Amravati for offences under Sections 376(2)(n) and 506 of the Indian Penal Code.
4. First Information Report filed by victim herself is dated 27.7.2019.
5. It is not in dispute that victim is major. According to reply and according to the prosecution case, there was love affair between the applicant and victim and

.....2/-

during period of their affair sexual intercourse took place, however, subsequently, the applicant turned around insofar as his promise to marry with victim.

6. During the Trial, it will be incumbent on the part of the prosecution to establish sexual intercourse took place on promise from the applicant and only, thereafter, consent was extended, however there is *prima facie* material to show that there is consensual relationship.

7. In this view of the matter, custodial presence of the applicant is not necessary, however at the same time interest of the prosecution can be secured by imposing certain conditions upon the applicant. That leads me to pass following order:

ORDER

(i) The criminal application is allowed.

(ii) In the event of arrest of applicant-Sayed Jafar Sayed Nasir, in connection with Crime No.854/2019 registered with Frezorpura Police Station, District Amravati for offences under Sections 376(2)(n) and 506 of the Indian Penal Code, he be released on bail on he executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant is directed to attend the police station from 5.9.2019 to 9.9.2019 and shall be with Investigating officer from 11:00 a.m. to 5:00 p.m.

.....3/-

(iv) It is open for Investigating Officer to conduct investigation *qua* the applicant including obtaining necessary medical samples from the applicant.

(v) With this, the criminal application stands disposed of according.

JUDGE

!! BRW !!

...../-