

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

14 ANTICIPATORY BAIL APPLICATION NO.669 OF 2021

Fayyaz Aslam Shaikh,
Age 21 years, Occ. Unemployed
R/o. Devlali Pravara, Tq. Rahuri,
Dist. Ahmednagar.

...Applicant.

VERSUS

The State of Maharashtra and another.

...Respondent.

...

Mr. Manoj A. Dond, Counsel for the applicant
Mr. V.S. Badakh, APP for the respondent-State
Mr. P.S. Koshti, Counsel for respondent No.2 (appointed)

...

CORAM : PRAKASH D. NAIK, J.

DATE : 11th OCTOBER, 2021

PER COURT :

1] The applicant is apprehending arrest in CR No.366 of 2021 registered with Rahuri Police Station Dist. Ahmednagar for the offences punishable under Section 376(2) (n) of Indian Penal Code (for short, 'IPC'). The First Information Report (for short, 'FIR') was registered on 11th May, 2021.

2] The complainant is aged about 26 years. It is alleged that she got acquainted with the applicant on 13th June, 2020. She was called for celebrating birthday at the farm of applicant's friend. They occupied room. Under the promise of marriage, victim was subjected to physical relationship. Even thereafter, there were incidents of physical relationship between them. Subsequently, it was noticed that she was pregnant.

Applicant decked out from promise of marriage. Hence, the FIR was registered. Agreement was executed by both that they would perform marriage. Applicant did not comply agreement.

3] The learned counsel for the applicant submits that allegations are false. Assuming allegations to be true, it was consensual relationship. Custodial interrogation is not necessary.

4] Learned APP submits that victim was pregnant. Medical case papers corroborate version of complainant.

5] Learned Counsel for the complainant reiterates the submission of learned PP. It is submitted the victim was forced to have physical relationship under the promise of marriage.

6] From the contents of the FIR, it is apparent that the applicant and the victim are major. They got acquainted. On 13th June, 2020, the applicant took her to the farm of his friend to celebrate her birthday. There was physical relationship. Thereafter, there were instances of physical relationship. The FIR as well as the agreement executed between the parties indicate that the applicant and the victim were in relationship. The custodial interrogation of the applicant is not necessary. Hence, I pass following order.

ORDER

- (i) Anticipatory Bail Application No.669 of 2021 is allowed.
- (ii) In the event of arrest of applicant in CR No.366 of 2021 registered with Rahuri Police Station, Tq.Rahuri, Dist.Ahmednagar, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall appear before Investigating Officer on 20th, 21st and 22nd October, 2021 between 11.00 am and 01.00 pm.
- (iv) The Application stands disposed of.
- (v) The concerned authorities shall pay the requisite professional fees to the appointed Advocate.

(PRAKASH D. NAIK, J.)

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