

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.331 OF 2021

Arshad Farzand Ali Khan

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kiran Varma i/by M/s.Rajeev Sawant & Associates for applicant.

Mr.S.R.Agarkar, APP, for State.

PI.Sanjay G. Chavan, Nirmal Nagar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 30<sup>th</sup> September 2021

PC :

1. This is an application for anticipatory bail in connection with CR No.310 of 2020 registered with Nirmal Nagar Police Station for the offences under Sections 376, 313, 420, 323 and 504 of Indian Penal Code. The FIR was registered on 12<sup>th</sup> September 2020.

2. From the tenor of FIR, it appears that the complainant and the applicant were acquainted with each other since 2006. There was physical relationship between them. Assuming that the allegations to be true, relationship was of consensual nature. It is also alleged that accused have committed offence u/s.313 of IPC. The date of incident is not mentioned.

3. Learned APP pointed out the observations of Sessions court, which indicate that the victim was minor at the relevant time. However, on instructions of Police Officer who had produced documents relating to investigation, he pointed out the school

leaving certificate of victim which indicate that the victim was major at the relevant time.

4. Learned counsel for applicant in addition to aforesaid submissions, stated that complainant had alleged that she was taken to garden and assaulted on 30<sup>th</sup> May 2020. However, there are whats app chats of 30<sup>th</sup> May 2020 which shows that relationship was cordial. Learned APP, on instructions, submitted that presence of applicant is required for medical examination. Learned counsel for applicant has submitted that the applicant would make himself available before Investigating Officer for the purpose of medical examination.

#### **ORDER**

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 5<sup>th</sup> February 2021 is confirmed;
- (iii) In the event of arrest of applicant in CR No.310 of 2020 registered with Nirmal Nagar Police Station, Mumbai, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iv) The applicant shall appear before Investigating Officer on 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> October 2021 between 11 am and 1 pm, and shall co-operate in his medical examination;
- (v) The applicant shall not tamper with evidence;
- (vi) The applicant shall not approach the complainant or intimidate her in any manner.

(PRAKASH D. NAIK, J.)