

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

ANTICIPATORY BAIL APPLICATION NO.1666 OF 2021

Abdul Rehman Mannan Khan	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Yousuf Khan, Advocate for the Applicant.
Smt. J.S. Lohokare, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th JULY, 2021
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.482/2021 registered at Mumbra Police Station, Thane on 22.5.2021 under sections 376 and 420 of the Indian Penal Code.

2. Heard Shri Yousuf Khan, learned counsel for the applicant and Smt. J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by the prosecutrix herself, who was 42 years of age. She was residing at Mumbra with her two daughters and three sons. Her husband had died in an accident in 2018. In November, 2020, she came in contact

with the present applicant through some on-line game. On 23.11.2020, the applicant had visited her house. She had told him about her family and financial status. The applicant told her that he was unmarried and he was in the business of scrap material. He showed sympathy to the prosecutrix and showed willingness to take responsibility of her five children. Thereafter they regularly had their physical relations. She has alleged that those physical relations were against her will. When the informant asked about marriage he used to avoid the topic. It is further mentioned in the FIR that the informant gave him a mobile phone worth Rs.1,50,000/- and also Rs.1,50,000/- for purchasing a car. She had spent money for the applicant for going to Bangalore by air-travel. After that, the applicant had not taken any steps in getting married and, therefore, she lodged this complaint. It is her case that the applicant had caused loss of Rs.5,25,000/- to the informant in their entire relationship. She had alleged that the applicant had given false promise of marriage and had kept physical relations against her will.

4. Learned counsel for the applicant submitted that it was purely a consensual relationship, which had subsequently gone wrong. He submitted that the applicant himself had given complaint to Mubra police station on 19.5.2021 even prior to registration of FIR against him. The applicant had even tried to commit suicide on 10.5.2021 and he had slashed his neck and left hand. He had to take treatment in a hospital at Thane. He submitted that the informant was pressurizing him inspite of their strained relationship.

5. He also invited my attention to an MOU dated 7.4.2021 in which it was mentioned that the applicant was to pay Rs.3,30,000/- to the first informant and that their relationship had ended and neither of the parties would trouble each other.

6. Learned APP opposed this application relying on the allegations made in the FIR.

7. I have considered these submissions. As per the narration in the FIR, it does appear that it was a consensual relationship. The informant had stated that they had their

regular physical relations on many occasions. Though she had stated that those were against her wish, frequency of their meetings shows that it was a consensual relationship.

8. The applicant was 30 years of age and the prosecutrix was 42 years of age. The FIR does not make any reference to the MOU dated 7.4.2021, a copy of which is annexed to this application. There is also history of the attempt made by the applicant to commit suicide.

9. In this background, the applicant's custodial interrogation is not necessary. He can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.482/2021 registered with Mumbra Police Station, Thane, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)