

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1117 OF 2020

Mohammed Arshad Shaikh ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ashok M. Sarogi, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 12th JANUARY, 2021.

PER COURT:

1. This is an application for anticipatory bail in connection with C.R. No. 1446 of 2020 registered with Malvani Police Station, Mumbai for offences punishable under Sections 366-A, 376(2) (J) (N), 377 & 506 of Indian Penal Code.

2. The FIR was lodged on 27th October, 2020. It is alleged that the complainant knows the applicant since 2007. He proposed her for marriage in 2008. She was minor. In April 2009 the accused took her to theater, hotel and other places. In 2012, under pretext of marriage, the applicant established physical relationship with complainant. Thereafter on several occasions at different places they had physical relationship. In June, 2018 they executed writing that

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they would perform marriage, which was notorisised. Accused also issued cheque in the event marriage is not performed. In August 2018 the accused committed unnatural sex. Subsequently he refused to perform marriage. Under false promise of marriage the accused maintained sexual relationship with victim from 2012-2018. At the time of initial incidents, victim was minor. Thus accusation against the applicant-accused is that, under promise of marriage from the year 2012-2018 from time to time maintained physical relationship with the prosecutrix and ultimately refused to marry her.

3. From the contents of First Information Report, prima-facie it appears that when the accused-applicant for the first time maintained physical relation by that time the prosecutrix had crossed the age of 16 years. At the time of lodging FIR the age of victim is 26 years.

4. Learned APP submitted that the victim was minor during initial period.

5. The relationship was apparently consensual. The applicant was granted interim protection by order dated 24th December, 2020. The applicant has complied the direction of attendance. Learned counsel for the applicant submits that the applicant is in Mumbai and he has attended in compliance of interim

order passed by this Court. He is willing to attend the Investigating Officer and cooperate with investigation.

6. In view of the aforesaid circumstances, interim protection granted to the applicant deserves to be confirmed. Hence, I pass following order.

ORDER

- i) Anticipatory Bail Application No.1117 of 2020 is allowed;
- ii) In the event of arrest of applicant in connection with C.R. No. 1446 of 2020 registered with Malvani Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii) The applicant shall attend Investigating Officer as and when called for;
- iv) The applicant shall not leave India without prior permission of this Court.
- v) Application stands disposed of accordingly.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)