

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2229 OF 2021

Torkul Serajuddin Haque @ Arif Shaikh	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Vivek B. Rane i/byMs.Amita D. Joshi for applicant.

Mr.S.H.Yadav, APP, for State.

Mr.Paras Yadav for respondent no.2.

API Dinesh Patil, Rabale Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 30th September 2021

PC :

1. The first information report has been registered on 27th July 2021 with Rabale Police Station, Navi Mumbai vide CR No.287 of 2021 for offences under Section 376(2)(n) of Indian Penal Code and under Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012.

2. On the date of registration of FIR, the victim was aged about 18 years. It is alleged that the victim got acquainted with the applicant. He visited her house when her family members were not in the house. He promised that he would perform the marriage with the victim and induced her to have physical relationship. Even thereafter there was physical relationship between them. The victim had conceived. From the tenor of the FIR it appears that the relationship was consensual.

3. The applicant was granted interim protection vide order dated 16th September 2021. The applicant has complied the directions of attendance to Investigating Officer.

4. Learned APP, on instructions, submitted that during pendency of this application and while the interim relief was in force, charge sheet has been filed against applicants.

5. Learned counsel for complainant submits that first informant and her mother is present in Court. The victim is major. At the time of alleged incident she was 17 years 11 months. He further submitted that parties are resolving the dispute as the applicant had agreed to marry the victim girl as she has attained majority. This Court would not enter into arena of the decision of the parties to solemnize marriage. However, considering the factual aspects of matter and also the fact that charge sheet is already filed, this application can be allowed and disposed of.

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 16th September 2021 is confirmed;
- (iii) In the event of arrest of applicant in CR No.287 of 2021 registered with Rabale Police Station, Navi 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.

(PRAKASH D. NAIK, J.)