

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

ANTICIPATORY BAIL APPLICATION NO. 2294 OF 2021

Saif Kasim Sayyed ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Milan Desai i/by Mr. T. R. Patel, Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. Sharad R. Nimle, (PSI) MIDC Police Station, Mumbai, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 23rd SEPTEMBER, 2021

PER COURT:

1. The applicant is seeking pre-arrest bail in C.R. No. 798 of 2021 registered with MIDC Police Station, Mumbai for offences under Sections 376, 376(2)(n), 417 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that she got acquainted with the applicant in August-2020. They developed friendship. They used to chat on facebook. They fell in love. Both of them had decided to marry. They used to meet frequently. In December, 2020, the victim was taken to hotel at Andheri. Under the promise of

marriage, the applicant induced the complainant to have physical relationship. Thereafter, frequently there was physical relationship under the pretext of marriage. They hired rented premises, since they would get married in September – 2021. In the said premises there was physical relationship between them. Subsequently accused avoided performance of the marriage.

3. The contention of the learned counsel for the applicant submitted that the relationship was consensual. For some reason, the marriage could not be performed. The applicant is willing to cooperate with investigation.

4. Learned APP submitted that the investigation is in progress. The statement of the victim is required to be recorded under Section 164 of Cr.P.C. The medical examination of the victim is yet to be conducted.

5. Considering the tenor of the First Information Report it is apparent that the relationship was consensual. There was physical relationship between them on several occasions. The custodial interrogation of the applicant is not necessary.

6. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No.2294 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with in C.R. No. 798 of 2021 registered with MIDC Police Station, Mumbai, the applicant be released on bail on 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 the investigating officer on 29th, 30th September, 2021 & 1st October, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for and shall cooperate with investigation.
- (iv) The applicant shall not approach the victim and shall not enter into the vicinity of her residence.
- (v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)