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

ANTICIPATORY BAIL APPLICATION NO. 2577 OF 2021

SANDIP POPATLAL GUPTA

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Ramprakash Nair a/w Chirag Vyas i/b Mayuresh D. Modgi
advocate for the Applicant

Mrs. J. S. Lohokare APP for the State

Ms. Vidya S. Lande, PSI, Manpada Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: 27th OCTOBER, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 352/2021 registered with Manpada Police Station for offence punishable under Sections 376(2)(n), 313, 504, 506 of the Indian Penal Code.

2] Prosecution case is, applicant developed intimacy with the victim and out of which pregnancy which she was carrying was illegally terminated.

3] I have perused entire material available on record. It appears that there was consensual relation between the applicant and complainant.

4] Apart from above, the fact remains that applicant's wife has already expired in 2017 resulting into registration of C.R. No. 516/2017.

5] The fact that complainant is not going to marry with the applicant can be inferred from the record.

6] In that view of the matter, false implication of the applicant cannot be ruled out. Case for grant of protection is made out.

(i) In the event of arrest of the applicant in C.R. No. 352/2021 registered with Manpada Police Station for offence punishable under Sections 376(2)(n), 313, 504, 506 of the Indian Penal Code, he 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.

(ii) Applicant shall neither influence prosecution witnesses in any manner nor tamper with evidence.

(iii) Applicant to attend Investigating Officer from 08/11/2021 to 18/11/2021 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

(iv) Applicant shall not directly or indirectly contact the victim or her family members.

(v) Applicant shall also cooperate in carrying out medical test and other investigation.

7] Statement made by learned counsel for the applicant that within three days from today, applicant shall surrender his mobile phone with Whats App chats as reflected which are placed in the paper-book is accepted as an undertaking, failing which applicant shall be taken into custody forthwith.

8] Application stands disposed of.

[NITIN W. SAMBRE, J.]