

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

ANTICIPATORY BAIL APPLICATION NO.769 OF 2022

Hussain Akram Khokar

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Ramprasad V. Gupta for the Applicant.

Mr. Khalid Naseem Gujar for the Intervenor.

Ms M.M. Deshmukh, APP for the Respondent -State.

Mr. Vitthal Bainwad, PI of Malvani Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 23rd MARCH, 2022.

P.C.:-

1. At the outset learned counsel for the Applicant seeks leave to implead the complainant as party Respondent No.2. Leave is granted. Cause title be amended forthwith.

2. Mr. Khalid Gujar, learned counsel waives service on behalf of Respondent No.2.

3. This is an application under Section 438 of the Cr.PC. filed by the Applicant for pre-arrest bail apprehending his arrest in C.R. No.1343 of 2021 registered with Malvani police station for the offences punishable

under Sections 376 (2) (N) and 377 of the IPC.

4. Heard Mr. Gupta, learned counsel for the Applicant, Ms M.M. Deshmukh, learned APP for Respondent No.1-State and Mr. Khalid Gujar, learned counsel for Respondent No.2. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

5. The FIR prima facie indicates that the Applicant and prosecutrix, who is 25 years of age, were in love relationship. The prosecutrix claims that the Applicant had sexual relationship with her first in the year 2018 and subsequently on several occasions under the pretext of marriage. It is stated that the Applicant refused to marry the prosecutrix though he had given such promise in writing. The FIR has been filed mainly because the Applicant had refused to marry the prosecutrix. As noted above, the Applicant is major. The relationship appears to be consensual.

6. Considering the above facts and circumstances, nature of accusations and the material in support thereof, in my considered view this is a fit case for grant of pre-arrest bail. Hence, the application is

allowed on following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.1343 of 2021 registered with Malvani police station, he shall be released on bail on executing PR bonds in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for a period of four days from 28th March, 2022 between 11.00 a.m. to 2.00 p.m. and thereafter as and when directed by the investigating officer.
- (iii) The Applicant shall not interfere with the complainant and /or tamper with the evidence in any manner.
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)