

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

ANTICIPATORY BAIL APPLICATION NO. 882 OF 2022

Lakhan Shivaji Sirasath

..Applicant

v/s.

The State of Maharashtra .

..Respondent

Mr. Sarwadnya Kadtane for the Applicant.
Mrs. Rutuja Ambekar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 1st APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant seeking pre-arrest bail in C.R.No.3 of 2022 registered with Powai Police Station, Mumbai, for offences under Section 376, 420, 506 of Indian Penal Code.

2. Heard Mr. Kadtane, learned Counsel for the Applicant and Mrs. Ambekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by the prosecutrix. A perusal of the FIR reveals that the prosecutrix is a widow with two children aged about 16 and 14 years. The first informant claims that she came in contact with the Applicant in the year 2019 and that he had assured to marry her. The first information report

reveals that they have indulged into physical relationship since 2019. The complaint is lodged against the Applicant only when the Applicant refused to marry her and has married another girl. Though the first informant has alleged that the Applicant has taken her videos and obscene photos in the year 2020, she had not lodged any complaint against the Applicant, but had continued her relationship.

4. The nature of accusation, in my considered view, do not prima facie establish the ingredients of Section 375 of IPC. Considering the nature of accusation 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 the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R.No.3 of 2022 registered with Powai Police Station, Mumbai, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The Applicant shall report to the Investigating Officer for four days from 4th April, 2022 in between 11.00 a.m. to 2.00 p.m. and further and as and when required by the Investigating Officer for the purpose of investigation and interrogation.
- (iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iv) The Applicant shall not change his residential address without

prior intimation to the Investigation Officer.

(v) The Applicant shall not interfere with the complainant and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)

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