

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.1153 OF 2022**

**Shahrukh Hasan Attar and others     ]     Applicants**  
**Vs.**  
**The State of Maharashtra             ]     Respondent**

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Mr. Rohan D. Kaiche, for Applicants.

Mr. P.H. Gaikwad, A.P.P, for Respondent-State.

Mr. Prashant S. Hagare a/w Mr. Kuldeep S. Patil, for Original Complainant.

Mr. B.B. Jadhav, P.S.I, Baramati Police Station, Pune (Rural).

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**CORAM : PRITHVIRAJ K. CHAVAN, J.**

**DATED : 19th JULY, 2022.**

**P.C.**

1. Apprehending their arrest, the applicants have moved this application under section 438 of the Code of Criminal Procedure.

2. Briefly stated, allegations are, applicant No.1 after his engagement with the victim induced her in sexual intercourse under the pretext of marriage. It is further alleged that the victim had transmitted an amount of Rs.5,00,000/- in the account of applicants. According to the victim, applicant No.1 had committed rape upon her in which co-accused assisted him.

3. Learned Counsel for the applicants submits that the victim works in Dublin, Ireland. She is a grown up lady aged about 28

years who was in love with applicant No.1 since last several years. It is further submitted that both of them were in consensual relations and had sexual intercourse at various places. The applicants have been co-operating with the Investigating Officer, in the sense, they have furnished their account details as well as mobile handsets to the Investigating Officer.

4. Learned A.P.P, on the other hand, on instructions, submits that investigation is on the verge of completion and custodian interrogation of the applicants is not required.

5. The question as to whether the applicants alleged to have extorted Rs.5,00,000/- from the victim under the pretext of marriage would not be gone into at this stage as that would be a matter which could only be decided during trial on merits. Suffice it to say that since the applicants have been co-operating with the Investigating Officer and also in view of the statement made by the learned A.P.P, on instructions of the Investigating Officer that custodial interrogation is not required, so also investigation is on the verge of completion, interim protection granted on 29th April, 2022 needs to be confirmed.

6. Application is granted in light of following directions;

[a] In the event of arrest, applicants No.1 to 3 viz; (1) Shahrukh Hasan Attar, (2)Saif Hasan Attar and (3)Shamim Hasan Attar be released on bail in connection with Crime No.193 of 2022 registered with Baramati Police Station, Pune for the offence punishable under

sections 376, 384, 420, 323, 504, 506 and 120-B of the Indian Penal Code, on their furnishing of P.R Bond of Rs.25,000/- each with one or two sureties in the like amount;

(b) Applicants shall attend the concerned Police Station as and when called till the charge-sheet is filed.

7. Application stands disposed of.

**[PRITHVIRAJ K. CHAVAN, J.]**