

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

ANTICIPATORY BAIL APPLICATION NO. 2159 OF 2022

Sohail Azim Sayyed	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Vikas Shivarkar for the applicant
Ms. S. S. Kaushik, APP for the respondent – State

CORAM : NITIN W. SAMBRE, J.

DATED : 22nd September, 2022

P.C.:

1. Heard.
2. The applicant is seeking pre-arrest bail in crime no. 718 of 2022 registered with Kondhawa police station for the offence punishable under sections 376(2)(n), 328, 420, 323, 506, 504 r/w. 34 of IPC.
3. The prosecution case is, the applicant not only under the false promise of marriage established physical relations but also cancelled the marriage after the engagement and embezzled an amount of Rs.25,00,000/-.
4. The claim of learned counsel for the applicant is, the cancellation of engagement is by consent. According to him, an amount of Rs.25,00,000/- which is alleged, was in fact given as a

hand loan on various occasions by the applicant to the complainant which she has returned in one go. That being so, it cannot be said that the applicant has committed an offence.

5. Learned APP would oppose the prayer.

6. From the investigation, it reflects that the complainant has an amount of Rs.25,00,000/- in her account which was duly transferred to various accounts which the applicant has direct connection with.

7. Apart from the fact that the applicant was in physical relation with the complainant pursuant to their engagement, also can be inferred from the records.

8. As such, there is enough evidence to connect the involvement of the applicant in the serious offence punishable u/s. 376 of IPC.

9. No case for pre-arrest bail is made out. The application stands rejected.

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(NITIN W. SAMBRE, J.)