

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2443 OF
2022**

Arman Ali Mohd. Ravji .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr.Keshav Chavan for the applicant.

Ms.Veera Shinde, APP for the State.

WAPI Yogita Tarale from Vakola police station.

CORAM: BHARATI DANGRE, J.

DATED : 13th SEPTEMBER, 2022

P.C:-

1 The applicant face accusation in C.R.No.290/2022 for the alleged offence punishable under Section 376, 376 (n), 420 IPC. He is apprehending his arrest in the said C.R.

2 The complainant, aged 24 years approached the concerned police station on 8/4/2022 and stated that she was introduced to the applicant, who was working in the garment factory and he had proposed to her. Since she developed liking for him, she consented and in April 2020, she hired a room in a locality and her version is, she

stated to the owner of the room that they were husband and wife, and they started residing together. On the pretext of performing marriage, sexual intercourse was established between them, but in the year March 2020, it is alleged that the applicant left for Uttar Pradesh (UP) and did not come back. Thereafter, on expiry of period of more than a year, she lodged a complaint, alleging that he had forcibly committed sexual intercourse with her on the pretext of marriage.

3 The learned APP has placed before me the statement of the neighbors, who have categorically stated that the complainant was residing in their neighborhood and some times, a person by named Arman Ali used to be present with her in the night.

The statement of the owner who executed a lease agreement with her, is also recorded who state that the lease agreement was entered with the complainant exclusively and since she did not pay the rent regularly, and she was asked to vacate the room in 2021.

According to him, she was residing in the said room and she had told the owner that she is going to reside there with the present applicant. The owner used to reside at some other address

and do not throw any light upon the aspect whether the applicant was residing with the complainant.

5 Considering that there is a gross delay in lodging the FIR, and also the fact that the applicant is major, whether her consent for consensual intercourse was free or not, would be a matter of trial. The applicant deserve protection from arrest subject to the following stipulation. Hence, the following order :-

O R D E R

- (a) In the event of his arrest, the Applicant - Arman Ali Mohd. Ravij in connection of C.R.No.290/2022 registered with Vakola police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or more local sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court

or any Police Officer and should not tamper with evidence.

(c) The Applicant shall mark his attendance with the concerned police station on first Monday of every month between 10.00 am to 12.00 noon, till framing of the charge.

(d) The applicant shall not establish any contact with the prosecutrix.

4. The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)