

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1779 OF 2023

Mr. Ankit Mahesh Suratwala	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Vrushabh Savla, for the Applicant.

Mrs. Veera Shinde, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 24, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.302 of 2023 registered with Bharti Bidyapeeth police station, for offences punishable under Sections 376, 376(2)(n), 313, 323, 504, 506 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC'), the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to the informant, from 3 November 2021 till 25 July 2022, the applicant had sexual intercourse with the victim on promise of marriage. On refusal to perform marriage laid registration of report against the applicant. On perusal of the report and material on record, it appears that the informant is 30 years old. The material on record as of today *prima facie* does not indicate promise to marry was false implication. Subsequent refusal to perform marriage laid informant to lodge report against the applicant. Therefore, custodial interrogation of the applicant is

not necessary.

3. Ultimately, it is for the prosecution to prove its case at the time of trial. The applicant has not criminal antecedents to his discredit. Hence, following order:

- a)** In the event of arrest in connection with C.R.No.302 of 2023 registered with Bharti Bidyapeeth police station, for offences punishable under Sections 376, 376(2)(n), 313, 323, 504, 506 r/w 34 of IPC, the applicant be released on bail on furnishing P.R. bond of Rs.25,000/-, along with one or two sureties in the like amount.
- b)** The applicant shall remain present before the concerned police station on 26th, 28th and 31st July, 2023 between 11:00 am to 2:00 pm and thereafter, as and when called by the investigating officer.
- c)** The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
- d)** The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.
- e)** The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

4. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)