

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

BAIL APPLICATION NO.3226 OF 2022

Sajaul Haq Ansari ..Applicant
VS.
The State of Maharashtra ..Respondent

Adv. A. K. Upadhyay for the Applicant.
Mr. S. V. Gavand, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 30, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail by the applicant-Sajaul Haq Ansari in connection with C.R. No.0285 of 2022 dated 02/05/2022 registered with Kashimira Police Station, Thane for the offence punishable under Sections 376, 376(2)(n) of the Indian Penal Code, 1860.
- 3.** The prosecutrix alleged that she was acquainted with the applicant four years prior to the registration of the FIR. Since the year 2018 there were consensual sexual physical relations between the parties. The prosecutrix alleged that

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the applicant promised to marry her. Despite the prosecutrix asking the applicant time and again, the applicant refused to marry her. Whether the said offence is committed on the promise of marriage is the subject matter of trial. Prima facie, the sexual physical relationship appears to be consensual. The charge-sheet has been filed and the investigation is complete. There are no criminal antecedents reported against the applicant. The relationship between the parties prima facie appears to be consensual in nature. The applicant is in custody since 19/07/2022. The trial is not likely to commence anytime soon.

4. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Sajaul Haq Ansari shall be released on bail in connection with C.R. No.0285 of 2022 registered with Kashimira Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) The applicant shall attend the concerned Police Station once once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

5. The Bail Application is disposed of.

(M. S. KARNIK, J.)