



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.2146 OF 2023

Zameer Hussain Sadrul Islam

... Applicant

VERSUS

The State of Maharashtra
and another

... Respondents

.....

Mr. Joydeep Chatterji, Advocate for Applicant

Mr. A.R. Kale, APP for Respondents – State

Mr. A.G. Jadhav, Advocate for Informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.305 of 2023 registered with Purna Police Station, District-Parbhani for offences punishable under sections 376(E), 313, 506 of the Indian Penal Code.

2. FIR is lodged by victim alleging that she stays with her parents and works as a teacher. She became acquainted with applicant through social media in the month of April-2022. Thereafter, applicant started visiting her house and also they used to go out together and spend time with each other. Applicant proposed her for marriage. On 17.04.2022, applicant took her to Basmath, booked a lodge and established physical

relations with her without her consent. Out of the said relationship, she became pregnant. Applicant had given her pills to abort the child. She again got pregnant for the second time, applicant got her abortion done at Nanded Hospital on 17.04.2023. He has signed on the consent form as a husband. When she was admitted at Nanded Hospital, she came to know that applicant is already married person and he has cheated her.

3. Heard learned advocate for applicant, learned APP for the respondents-State and learned advocate for informant. Perused the investigation papers.

4. In the FIR, it is specifically alleged by informant that twice her abortion was carried out against her wish. Victim is a major lady and it *prima facie* appears from the record that relations between victim and applicant were consensual. There is a delay of three month in lodging FIR, which is unexplained.

5. Applicant was granted interim protection and he has attended the concerned police station and co-operated in the investigation. FIR is lodged on 12.12.2023 and investigation appears to be on the verge of completion. Nothing is to be recovered from the applicant, his pre-trial custodial detention is not necessary.

6. Application is therefore allowed by confirming interim protection granted to applicant on 04.01.2024.

7. Till filing of the charge-sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE