

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

ANTICIPATORY BAIL APPLICATION NO.1702 OF 2024

Mohd. Gufran Shafi Qureshi

Age 22 years Occ: Service

having address at Room No.10,

Dharavi Main Road, Nr. Gausiya Hotel,

Abdul Nabi Compound, Dharavi,

Mumbai - 400 017.

... Applicant

v/s.

1. State of Maharashtra

Through Saki Naka Police Station

C.R. No.402 of 2024

... Respondent No.1.

2. XYZ

(Through Saki Naka Police Station)

... Original Complainant/
Respondent No.2.

....

Ms Dhanashree M Lad, a/w. Mr Abdul Aziz Khan, for the Applicant.

Ms Rajeshree Newton, APP, for Respondent State.

....

Coram : R.N. Laddha, J.

Date : 26 June 2024.

P.C. :

Heard Ms Dhanashree M Lad, the learned Counsel for the applicant and Ms Rajeshree Newton, the learned APP representing the respondent/State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.0402 of 2024, registered with Sakinaka

Police Station, Mumbai, for the offences punishable under Sections 376, 376(2)(n) and 313 of the Indian Penal Code.

3. It is the case of the prosecution that the applicant and the informant were involved in a love relationship. Based on the promise of marriage, the applicant committed forcible intercourse with her, leading to her pregnancy. Subsequently, the applicant allegedly caused an abortion by administering pills. After that, the applicant refused to marry with the informant and deceived her.

4. Ms Dhanashree Lad, the learned Counsel for the applicant, submits that the charge under Section 376 IPC does not apply to the applicant. The applicant is willing to cooperate with the police during the investigation and comply with conditions set out by the Court. The learned Counsel asserts that the informant and the applicant were involved in consensual relations. The applicant has no criminal antecedents, and the custodial interrogation of the applicant is unnecessary.

5. Ms Rajeshree Newton, the learned APP, submits that the applicant forcibly committed sexual intercourse with the informant under the false promise of marriage, applicant made her to consume abortion pills, leading to the termination of pregnancy. The investigation is in progress, and the custodial interrogation of the applicant is necessary.

6. Upon perusing the records, it appears that the informant in the FIR alleged that under the guise of marriage, the applicant committed forcible intercourse with her. Subsequently, when she became pregnant, he administered pills to cause an abortion. The ongoing investigation seeks to verify these allegations and the specifics of the informant's abortion. The offence is serious, and the custodial interrogation of the applicant would be necessary. In view of the above, this Court is not inclined to exercise its discretion in favour of the applicant. Resultantly, the application stands rejected.

[R.N. Laddha, J.]