

Imran Abdul Rauf Shaikh Applicant
Vs.
The State of Maharashtra
& Anr. Respondents

CORAM: P.D. KODE, J.

DATED: FEBRUARY 06, 2015

1. By this application the applicant, apprehending arrest in connection with C.R. No.404 of 2014, registered with Goregaon Police Station, Mumbai, has prayed for pre-arrest bail.

2. Mr. Vishal M. Deshmukh, learned

counsel for the applicant has submitted that originally the crime was registered for offences under Sections 354(D), 323, 504 and 506 of the IPC regarding an incident which had allegedly taken place on 10-10-2014. It is submitted that same was registered upon FIR lodged by the victim girl on same day. The applicant was arrested on 11-10-2014 and on same day he was released on bail.

3. The learned counsel submitted that thereafter the victim filed a Writ Petition for transfer of investigation and in pursuance to the order passed in said Writ Petition, further statement of the victim was recorded and thereafter offence under Section 376 of the IPC has been added to the crime registered. The police moved for cancellation of the bail granted to the applicant and the same has been cancelled by the trial Court vide order dated

27-1-2015 and hence the applicant has approached this Court for pre-arrest bail.

4. The learned counsel submitted that the allegations upon which the crime under Section 376 of the IPC is now added to said crime were admittedly not revealed when the FIR was lodged. It is submitted that the same has been levelled only for implicating the applicant, as he was released on bail by the remand Court. It is urged that the applicant had filed a complaint on 17-10-2014 regarding himself being threatened by the victim and her parents for implicating him in a serious case. It is submitted that the incident in question had occurred on a public road. It is urged that non-making of such allegations while lodging the FIR itself reveals that the allegations are blatant lies and as such the prayer for pre-arrest bail be considered.

5. After considering the events which had occurred, the fact and the purpose for which the victim was required to file the Writ Petition, the nature of the activities allegedly committed by the applicant - as contained in the FIR, the victim being a Muslim girl, it is difficult to readily jump to the conclusion that the merely because, while lodging the FIR, she had not narrated such matters, the same are blatant lies. Needless to add that bare perusal of the FIR reveals that the activities allegedly committed by the applicant cannot be said to be in the nature of having good taste or in the honour of womanhood. The activities later on reported cannot be said to be of the nature which a woman could have disclosed to the police officer recording the FIR. Having regard to it and considering the facts and circumstances and

the manner in which the applicant had treated womanhood, it is difficult to uphold the prayer for pre-arrest bail. Hence, the application is rejected.

6. After the passing of the order, the learned counsel for the applicant prays for a week's time to surrender by making arrangement at his house. The prayer is granted for a period of four days, subject to the applicant attending the I.O. every day in between 11:00 a.m. to 12:00 noon and not misusing it for fleeing away or for committing any further offence. The I.O. not to take coercive steps of arrest against the applicant up till 12-2-2015, 11:00 a.m..

(P.D. KODE, J.)