

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 965 OF 2015

Mr. Siraj Wahab Gajhi ... Applicant
vs.

State of Maharashtra ... Respondent

Mr. Viral Rathod a/w Mr. Narendra Kumar Ram Sharma for the applicant.
Mr. A.T.Jhaveri, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 8th June, 2015.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant was arrested on 16th December, 2014 in C.R. No.666 of 2014 registered at Bandra Police Station for the offences punishable under Sections 366, 368, 370 502(2) read with Section 34 of IPC. The investigation is completed and charge sheet is filed on 16.2.2015.

2. It is the case of the prosecution that on 16.12.2014, one Ashok Pawar working as Police Head Constable attached to Bandra Police Station, lodged a report at the police station on 16.12.2014. Police had received information from reliable sources that one person has confined a woman, who is a permanent resident of Bangladesh, in Room No.85 at Nityanand

Nagar, K.C. Marg, Bandra (West), Mumbai. The police therefore, set the law into motion. They had had been to the said place. The present applicant was present. He had disclosed his name and he had further disclosed that he had rented the said premises. It further appears that one Najmul, who happens to be a close friend of the victim lady and her husband, had brought them to India on the pretext that they would be given a good job. The present applicant happens to be the friend of said Najmul. That principal accused Najmul (absconding) had brought the couple to the house of the present applicant and they had stayed in the said premises. The only role attributed to the present applicant is that he had given shelter to Najmul, the victim lady and her husband.

3. Perused the statement of the victim. She has also stated that in fact, she had informed the present applicant that Najmul is insisting upon the said victim lady to indulge into prostitution. However, he had not paid any heed to her statement.

4. Taking into consideration the facts of the case, it appears that the present applicant is alleged to have indulged into harbouring the principal accused. The investigation is completed and charge sheet is filed.

The applicant has been in jail for more than 5 months. Hence, further incarceration would not be necessary.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- (iii) The applicant be enlarged on cash bail for a period of four weeks. The applicant shall furnish the surety bonds within four weeks.
- (iv) The applicant shall report to the police station on first Sunday of every month till conclusion of the trial.
- (v) The applicant shall furnish his permanent address, temporary address, cellphone number and other details as required by the Investigating Officer.
- (vi) The applicant shall not leave Mumbai without intimating the concerned police station.

The application is allowed in the above terms and disposed of.

(SMT.SADHANA S.JADHAV, J.)