

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1024 OF 2015

Mubarak Husain Kazi	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Vijay Killedar, for the Applicant.
Ms. Veera Shinde, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 27, 2015**

PC.:

. The application is moved for bail as the applicant/accused is facing charges for the offences punishable under Sections 376, 376(L) & (N), 420, 417, 403, 406 and 506 of the Indian Penal Code in C.R. No. 104 of 2015 registered with Miraj city police station, Sangli.

2. It is the case of the prosecutrix that she is a disabled person. She has some problem to walk. She claims to be a divorcee and has one daughter. She came in contact with the

applicant/accused in May, 2014. Then she fall in love with him. Thereafter she went with him in July, 2014 as the applicant has promised to marry her. Then they started residing together. She stayed with him from July, 2014 to April, 2015. In between he established a sexual relationship with her and she agreed for the same because the applicant promised her to marry. It is her case that, the applicant regularly demanded money from the prosecutrix and she time to time gave money to the applicant. It is her claim that she gave Rs. 9 lacs to the applicant/accused. As per the case of the prosecution, the applicant also sold gold ornaments of the prosecutrix and thus cheated her upto the tune of Rs. 12,20,000/- as he promised to use the said money for their new house. Therefore, the prosecutrix gave this complaint.

3. The learned counsel for the applicant/accused submits that the prosecutrix though claims to be a divorcee, she is, in fact not a divorcee and has filed an application for maintenance in the year 2014 in the Court of J.M.F.C., Miraj. In the said application also, she claims that her gold ornaments were taken by the Respondent-husband. He submitted that the applicant is innocent and he has not

taken money from her. The applicant/accused was taken in custody on 11th May, 2015. Hence, this bail application.

4. The learned prosecutor opposed the bail application. He submitted that the applicant/accused had taken the disadvantage of her disability and took money from her with a promise that he is constructing a house for them. Hence application be rejected.

5. On perusal of the first information report, it is found that the applicant/accused is 36 years old. She is a mother of one 10 years old daughter. Her first marriage appears to be unsuccessful. Thereafter she was in love with the applicant. Considering the allegations made by the prosecutrix against the applicant and considering her age, I am of the view that it is fit case to grant bail to the applicant.

6. Hence, I grant bail as under:

- a) The applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 40,000/- with one or two solvent surety/s in the like amount;

b) The applicant/accused shall attend all the Court dates regularly.

c) The applicant/accused shall not indulge in any activity of harassing the complainant or other prosecution witnesses.

7. Bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)