

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.882 OF 2015

Mohammed Ansar Yahya Siddiqui & Ors.	 Applicants
V/s.	
State of Maharashtra, Through Malvani Police Station, Mumbai	 Respondent

Mr. Nishigandh Patil a/w. Mr. M.R. Raut for
the Applicants.

Mrs. S.S. Kaushik, A.P.P., for the
Respondent/State.

Mr. S.S. Khamkar, Head Constable (24345)
from Malvani Police Station, Mumbai is
present.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
[IN CHAMBER AT 2:40 PM]

DATE : 7TH JULY, 2015.

P.C. :

1. This is second application for anticipatory bail. The first application bearing No.756 of 2015 was rejected by this Court on 28th May, 2015 on the ground that, prima facie, there was sufficient material to implicate the Applicants also, having regard to the gravity of the offence.

2. Now it is submitted that Remand Report reveals that the supplementary statement was given by the Original Informant at the

instance of his three friends and also after consulting the Advocate. In view of this, it is urged that the Applicants are subsequently implicated as an afterthought and, therefore, they may be released on anticipatory bail.

3. Learned A.P.P. for the Respondent/State has strongly opposed this Anticipatory Bail Application by submitting that there is no change in the circumstance and also considering that the offences punishable under Protection of Child from Sexual Offences Act and also under Sections 395 and 354 of the IPC are involved in the case.

4. Learned Counsel for the Applicants submits that Applicant No.1 Mohammed and Applicant No.4 Yahya are ready to surrender before the Court, however, as regards Applicant No.2 Rabya, a lady, and Applicant No.3 Muskan, a minor girl, they may be released on anticipatory bail.

5. Considering these submissions, especially, the fact that Applicant No.2 Rabya is a woman and Applicant No.3 Muskan is a minor girl and hence the offences punishable under Protection of Child from Sexual Offences Act may not be directly applicable to them, the prayer made by learned Counsel for the Applicants is considered. Hence, the order :-

“ORDER”

- (i) This Criminal Anticipatory Bail Application is allowed partly. The application of Applicant No.1 Mohammed Ansar Yahya Siddiqui and Applicant No.4 Yahya Salamat Ali Siddiqui is rejected and they are to surrender to the Court within one week from today.

- (ii) The application of Applicant No.2 Rabya Yahya Siddiqui and Applicant No.3 Muskan Yahya Siddiqui is allowed. In the case of arrest of these two Applicants in C.R. No.292 of 2015 of Malvani Police Station, Mumbai, they may be released on P.R. Bond of Rs.15,000/- each, with one or two sureties in the like amount, subject to condition that they will not tamper with the prosecution witnesses and they should co-operate in investigation of the case, as and when required by the Police.

[DR. SHALINI PHANSALKAR-JOSHI, J.]