

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1590 OF 2015**

Mohammed Esmail Karimuddin Ansari	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. R. A. Shaikh for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 28th OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-268 of 2014 registered with the Hill Line Police Station No.5, Thane, for the alleged offences punishable under Sections 363, 366, 376 r/w 34 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act and under Sections 9, 10, 11 and 12 of the Prohibition of Child Marriage Act.

3. Learned Counsel for the applicant states that there are no allegations of 376 IPC as against the present applicant. He states that the applicant was working as a Qazi and is alleged to have performed the marriage between accused No. 1 and the prosecutrix.

4. Learned A.P.P does not dispute the fact that the allegation as against the applicant is that he performed the marriage between accused No. 1 and the prosecutrix. She submits that the applicant has not given the date and time of marriage on the Certificate of Marriage.

5. Considering the nature of allegations *qua* the applicant, the applicant is granted anticipatory bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

(ii) The applicant shall not tamper, attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iii) The applicant shall inform his latest place of residence and mobile contact number to the Investigating Officer of the concerned Police Station.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.