

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 557 OF 2016

Arman Salim Khan	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Abhijit Deshmukh, Advocate for the applicant.
Ms.P.P. Shiinde, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **31st March, 2016.**

P.C.:

This Application is moved for pre-arrest bail, as the applicant/accused is facing charges under sections 363 and 376 r/w. 34 of the Indian Penal Code and under sections 4 and 8 of Prevention of Children from Sexual Offences. The offence is registered at the instance of father of the victim on 7th June, 2015 at C.R. No. 210 of 2015 registered with Mahim Police Station.

2. It is the case of the prosecution that the father of victim has two daughters. The victim is 17 years old. On 3rd June, 2015 he noticed that his younger daughter was not in the house, so he made enquiry and took search and it was informed that the girl was having affair with the applicant/accused and his daughter ran away with him. It is the further case of the prosecution that the applicant/accused has induced her to leave

the house and he got married with her as per muslim custom and then started residing with her.

3. The learned counsel for the applicant/accused submitted that in the medical certificate of the girl, her age is mentioned as 18 years and 6 months. He submitted that on the date of incident, the victim was major and he has married to her.

4. Learned APP opposed the Application. She informs that as per the information from the police, the applicant/accused and victim is married. As per the information given by the father of the victim, her age was 17 years.

5. Perused the FIR, statement of the prosecutrix and medical certificate. In the medical certificate, the age of the prosecutrix is mentioned as 18 years and 6 months. The applicant is 24 years old. Though today is the first date, the Investigating officer is present. Considering the facts of the case, pre-arrest bail is granted to the applicant/accused on the following terms and conditions:

ORDER

- i) Application is allowed.

- ii) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- iii) The applicant/accused shall not indulge into any criminal activity while on bail;
- iv) The applicant shall cooperate the Investigating officer and shall attend the concerned police station on 6th April, 2016 between 5 p.m. to 6 p.m.
- v) In the event of breach of any of the conditions mentioned above, the prosecution is at liberty to move an application for cancellation of bail.

6. The Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)