

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 717 OF 2016

Mohammad Mustafa Zakirali Khan	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. S.V. Marwadi i/b. Trupti M. Khamkar, Advocate for the Applicant.
Mrs. P.P. Shinde, APP for Respondent–State.
Mr. Omkar Nagwekar, Advocate for the complainant.
Mr. Chandrashekhar K. Nalavade, P.I., Sakinaka Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **APRIL 21, 2016**

P.C.:

This Application is moved for pre-arrest bail, as the applicant-accused is prosecuted for the offences punishable under sections 376(2), 506(2) of the Indian Penal Code and sections 4 and 6 of Prevention of Children from Sexual Offences Act in C.R. No. 96 of 2016 registered with Sakinaka Police station on 17th February, 2016. The prosecutrix was minor.

2. Perused the FIR. It appears that the applicant/accused and complainant were in love with each other. It is informed by the learned counsel for the complainant that now the applicant/accused and complainant are married. He produced marriage certificate. The learned counsel appearing for the complainant has filed an affidavit wherein it is stated that complainant and applicant/accused got married on 31st March,

2016. The complainant is pregnant.

3. The complainant is present in the Court. Learned APP submitted that the Investigating officer has identified the complainant.

4. In view of this, though it is a first date, 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 solvent sureties in the like amount;
- iii) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station on 26th April, 2016 between 6 to 7 p.m.
- iv) The applicant-accused shall not tamper with the evidence or pressurize the complainant;
- v) The applicant-accused shall not indulge into any criminal activity;
- vi) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof.

vii) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of anticipatory bail.

5. The Application for anticipatory bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)