

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 304 OF 2017

Husnara Begum Arif Husain Sayyed

.....Applicant

V/s.

The State of Maharashtra

`....Respondent

Mr. Satyam Dubey Advocate for the Applicant.

Ms. P. P. Shinde APP for the State.

Mr. J. K. Dhamal, P. I. of Deonar Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 16th FEBRUARY, 2017.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending her arrest in crime no. 52 of 2016 registered at Devnar police station for offence punishable under sections 323, 324, 354, 354 (A) r/w 34 of the Indian Penal Code and Section 9 (N), 10, 17 of Protection of Children from Sexual Offences Act, 2012.

2) It is the case of the prosecution that applicant happens to be mother of the victim. Husband of the applicant had expired. Applicant herein had given on rent, the mezzanine floor of her house to two persons. The victim had

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written a letter to the Commissioner of Police and and Senior Inspector of police, Shivaji Nagar Police Station on 29/09/2015, alleging therein that she was being harassed by her mother, that she happens to be the only daughter of her mother. The statement of victim was recorded in question and answer form by the P.S.I. of Deonar Police Station.

3) She disclosed to the police that after the demise of her father, her mother was in relation with one man. That the said person used to visit their house. The victim has two brothers. Present applicant and her sons were insisting upon the victim to enter into the profession of prostitution and indulge into immoral act as they wanted to earn money through her. That the present applicant was coercing the victim to marry her lover who was about 35-40 years old. Due to continuous harassment by her mother and brothers, she left the residential house and was residing separately and working as domestic maid.

4) It is also informed to the police that her mother is likely to lodge a report under section 363 of Indian Penal Code and that the police shall not take any cognizance of the said report. She has specifically stated that she was not kidnapped by anybody and had left the house on her own accord. The said

letter was received by senior P.I. on 07/10/2015.

5) It is pertinent to note that on 11/03/2015, present applicant had lodged a report at Shivajinagar Police Station alleging therein that her daughter has been abducted by some unknown persons as she had left the house on 09/03/2015. Subsequently, present applicant had then informed the police that her daughter was found. She was with some N.G.O. and she had refused to return to her mother's house. The case was closed.

6) It is apparent on the face of the record that the applicant has victimised her own daughter for pecuniary gains by attempting to force her into prostitution.

7) It is in these circumstances that applicant does not deserve discretionary relief under section 438 of Code of Criminal Procedure, 1973. Application stands rejected.

(SMT. SADHANA S. JADHAV, J.)