

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO. 666 OF 2017

Shahrukh Murad Shaikh Vs. The State of Maharashtra

**Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.**

Court's or Judge's orders

Mr. Mahesh Vaswani a/w Miss. M. Mahanta, Ms. Dharini Nagda, Ms. Taribunnisha Khan for applicant.
Mrs. J.S. Lohokare, APP for State.

CORAM : A.S. GADKARI, J.

DATE : 18th April 2017.

P.C.:

1] The applicant is apprehending arrest in CR No.326 of 2016 dated 26.9.2016 registered with Kurar Police Station, Mumbai under Sections 376(2), (N), 354, 343, 323, 504 read with 34 of the Indian Penal Code and under Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act (POCSO Act).

2] The first information report is lodged by Miss. Pooja Sharma, aged about 16 years, stating that she was having love-affair with Salman Murad Shaikh, brother of the applicant. That from 18.8.2016 to 24.9.2016, the said Salman abducted her and kept her at an isolated place and committed the offence as contemplated under Section 376 of the Indian Penal Code. That on 24.9.2016 at about 11.30 p.m. when she had been to meet her fiancé Salman near Anudatta School, Krantinagar, Kandivili, the applicant questioned their presence at the spot and started assaulting her and Salman. That during the said scuffle it is alleged that the applicant

committed the crime as contemplated under Section 354 of the Indian Penal Code. In the premise the first information report is lodged.

3] I have perused the first information report and the documents annexed to the present application. It clearly appears that during the said scuffle the alleged offence under Section 354 at the hands of the applicant had taken place, however, the applicant did not had any intention to commit the said offence. It is seen from the record that the co-accused Salman and Shahrukh have been arrested by the police and have been released on regular bail.

4] After taking into consideration the peculiar facts of the present case, this Court is of the view that, the custodial interrogation of the present applicant for further interrogation is not necessary.

In view thereof, the applicant has made out a case for grant of pre-arrest bail.

Hence, the following Order:-

(i) In the event of arrest in CR No.326 of 2016 registered with Kurar Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The applicant shall attend the Investigating Officer as and when called for between 11.00 a.m to 1.00 p.m and to join the process of investigation. It is needless to mention that, before calling the applicant to the police station, the Investigating Officer shall issue notice under Section 160 of Cr. P.C. specifying the date and aforesaid time.

(iii) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.

5] The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)