

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.693 OF 2017

1. Yusuf Gulabmohammad Shaikh .Applicants
2. Biama Yusuf Shaikh
3. Arif Yusuf Shaikh
4. Mumtaz Harun Shaikh

Vs.

The State of Maharashtra .Respondent

Mr.Abdul Chaudhari i/b. Ms Sangita Walke, Advocate, for the Applicants

Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 20.04.2017

P.C.

. Heard learned counsel for the Applicant and the learned APP for the Respondent – State.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No.73 of 2017 registered with the Faras Khana Police Station, Pune, for the alleged offences punishable under Sections 406, 420, 376, 377, 506, 355, 499, 312 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicants states that all the

allegations are against accused No.1-Azad and that Azad is presently in custody. He submits that as far as the Applicant Nos.1 & 2 are concerned, they are the parents of accused No.1-Azad and the Applicant Nos.3 & 4 are the brother and sister of accused No.1-Azad. He submits that the allegations are against accused No.1-Azad and that no offence whatsoever is disclosed qua the Applicants.

4. Perused the papers.

5. The prosecutrix at the relevant time was 23 years of age. It appears that she was having an affair with accused No.1-Azad. She has alleged that Azad and she were to get married and hence, Azad committed an offence of 377 of IPC on her. She submitted that when she complained Azad, he told her that they were going to get married. She has alleged that there were physical relations between them even after that. She has further stated that there were a couple of meetings between her family members and Azad's family members regarding their marriage. However, in the said meetings, the Applicants would start quarreling on some pretext or the other. She has alleged that the Applicants made some nasty remarks about her, as they were

against the marriage. She has stated that Azad's parents had even threatened to commit suicide, as Azad had made up his mind to marry her. She has further alleged that the Applicant No.1-Yusuf had stated that he would give Rs.5,00,000/- to Rs.10,00,000/- to get her married elsewhere. She has also alleged that the Applicants had disclosed her relations with their son Azad to many people in the vicinity as a result of which, it was difficult for her to get married to any other person. She has further alleged that all the Applicants were aware of the physical relations between her and the Applicant. A perusal of the complaint shows that the allegations of 376 etc. are as against accused No.1. Merely because the Applicants were aware of the relationship would not mean that the Applicants are party to the said offences.

6. Considering the aforesaid, custodial interrogation of the Applicants is not required. The Application is allowed the Applicants are granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- each with

one or two sureties in the like amount;

(ii) The Applicant No.4 shall attend the concerned Police Station on **24th April, 2017** from **10.00 a.m. to 12.00 noon** and thereafter, as & when called for by the investigating officer;

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

(iv) The Applicants shall inform their latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

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

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)