

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1312 OF 2016

Jahangir Mohammed Liyakat Ansari Applicant/Accused

Versus

State of Maharashtra Respondent
through Kandivali Police Station.

Ms. Anjali Patil for Applicant/Accused.

Ms. P. P. Shinde, APP for Respondent/State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 24TH JANUARY, 2017.

P.C.

. Heard. This is an application under section 439 Cr.P.C. The applicant herein is arrested on 18th July, 2015 in Crime No. 240 of 2015 registered at Kandivali Police Station. Investigation is completed and charge sheet is filed on 14th October, 2015 against the present applicant for the offence punishable under Sections 363, 366 (A), 376, 34 of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

2. It is the case of the prosecution that on 9th July, 2015 Abdul Latif Abdul Huddus Shah lodged the report at the Police

Station alleging therein that on 6th July, 2015 his minor daughter was not seen in the house. She had left the house without informing anything to anybody. He suspected that she has been abducted by somebody and therefore lodged the report at the police station. On the basis of which, Crime No. 240 of 2015 is registered under Sections 363 read with Section 34 of Indian Penal Code against the unknown persons. In the course of investigation, it was revealed that the victim has left the house in the company of the present applicant. They both had gone to the native place of the applicant in Bihar state. That the police from Kandivali Police Station had traced their whereabouts and the applicant and the victim were brought to Mumbai on 17th July, 2015. On 18th July, 2015 the statement of the victim was recorded. She had disclosed that the applicant was residing with his brother and sister-in-law in close proximity of her house. They were acquainted with each other. The acquaintance had turned into love. They had gone together to visit several places. She has also disclosed to the police that the applicant had expressed his love for her and had proposed to her. It appears that the family of the victim had not agreed for the marriage, and therefore, the applicant had informed her that his relative Moulana would help her to reach to him. Accordingly, Moulana had helped her to reach to the applicant. They were residing in the native place at Bihar. It is also contended that the applicant had got married to the victim on 7th July, 2015.

3. On 20th July, 2015 the victim was taken for medical examination and she has disclosed to the doctor that she has voluntarily left her house in the company of the present applicant and that she had consensual sexual intercourse with him. She also disclosed that her parents had reported to the police station. The marriage certificate is also placed on record. It is in these circumstances that the applicant deserves to be enlarged on bail.

4. Observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 15,000/- with one or more local solvent sureties in the like amount.
- (iii) The applicant shall report to the concerned Police Station on every Sunday between 10.30 a.m. to 1.00 p.m. till framing of charge.

(SMT. SADHANA S. JADHAV, J.)