

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**BAIL APPLICATION NO.2617 OF 2017**

|                          |               |
|--------------------------|---------------|
| Jaan Mohammed Qureshi    | ...Applicant  |
| Versus                   |               |
| The State of Maharashtra | ...Respondent |

Mr. Ravi Dwivedi for the applicant.  
Ms.P.N.Dabholkar, APP for the State.

**CORAM:   A.M. BADAR, J.**  
**DATED:   15<sup>th</sup> NOVEMBER 2017**

**PC:-**

1.     By this application the applicant/accused is seeking his release temporarily for a period commencing from 19.11.2017 to 22.11.2017 for attending marriage of his grand daughter. The applicant is an accused in Crime No.154 of 2017 registered with police station Malvani for the offences punishable under Sections 376 and 506(2) of the Indian Penal Code.

2.     Heard the learned advocate appearing for the accused. He submitted that the applicant is 75 years old person is head of the family and his grand daughter Afreen is getting

married on 20.11.2017. Therefore, the applicant may kindly be released on temporary bail for the period from 19.11.2017 to 22.11.2017.

3. The learned APP opposed the application by arguing on merits that the FIR reflects commission of serious offence and it also reflects that the applicant used to threatened the first informant. It is not the case of the applicant that there is nobody in the family to take care of marriage ceremony.

4. I have carefully considered the submissions so advanced and also perused the entire charge-sheet. The FIR is lodged by an adult female aged about 27 years old. The FIR itself shows that she had sexual relations with the present applicant for a long period in the year 2016. The physical relations between them continued from 18.8.2016 and lasted till December 2016. The FIR is lodged by this adult first informant on 4.3.2017. These facts are only noted because

the learned prosecutor attempted to point out that the offence is very serious.

5. Be that as it may, the applicant is stated to be 75 years old and his grand daughter is getting married on 20.11.2017. Naturally, the grant father desires his presence in the marriage ceremony. There is no tangible material on record to show that the applicant would tamper with the prosecution evidence within this short period in which he had to attend the marriage of his grand daughter.

6. Hence, I see no reason to deny temporary bail to the present applicant . Therefore, the following order:-

**ORDER**

i) The application for grant of temporary bail is allowed.

ii) The applicant/accused in Crime No.154 of 2017 registered with police station Malvani for the offences

punishable under Sections 376 and 506(2) of the Indian Penal Code is directed to be released on bail for a period from 19.11.2017 to 22.11.2017 on executing P.R Bond of Rs.5,000/- and on furnishing surety in the sum of Rs.5,000/-.

iii) The applicant shall surrender himself on 23.11.2017.

iv) As a condition of this order, the applicant should not tamper the prosecution evidence in any manner.

v) The applicant / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

vi) At this juncture, the learned advocate appearing for the applicant submitted that within a short period, it is not possible for the applicant, who is undergoing jail sentence to

furnish surety and therefore he be release on cash security.  
The request so made is genuine. Hence, the applicant is directed to be released on furnishing P.R Bond for Rs.5,000/- and on furnishing cash security in the sum of Rs.5,000/- from 19.11.2017 till 22.11.2017.

**(A.M. BADAR, J )**