

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.334 OF 2017
IN CRIMINAL APPEAL NO.165 OF 2017
(Shabbo @ Shalini Azhar Khan vs. State of Maharashtra)

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

Shri R. Vyas, Advocate for applicant.

Shri T.A. Mirza, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : MAY 2, 2017

This application is filed by accused involved in Crime No.135/2013 registered by Police Station, Gadchiroli for the offences punishable under Sections 366(A), 372, 373 and 376 read with Section 34 of Indian Penal Code, Sections 4, 5, 6 and 9 of Prevention of Immoral Traffic (Prevention) Act, 1956 and Sections 4, 8 and 17 of the Protection of Children from Sexual Offences Act for grant of temporary bail for a period of two months from 28/4/2017 till 28/6/2017 on the ground of her marriage stated to be solemnized on 5/5/2017 with Avinash Sameer Choudhary at Arya Samaj Mandir, Napier Town, Jabalpur.

Shri Vyas, learned Counsel for applicant, has submitted that as applicant would require to perform rituals, which are to be performed after marriage and since thereafter she intends to stay at her in-laws' house, she may be granted temporary bail as aforesaid.

Shri Mirza, learned Additional Public

Prosecutor for respondent, has opposed the application contending that no case is made out by applicant for grant of temporary bail for two months on the ground of her marriage, however, has not disputed the fact of applicant's marriage to be performed at Jabalpur on 5/5/2017. It is further submitted that if this Court considers applicant to be entitled for temporary bail, it should be for a limited period and applicant should be released in that case on bail under Police Escort on payment of necessary charges by applicant.

Perused the application along with documents filed in support thereof. From the Invitation Card it is revealed that marriage is to be performed on 5/5/2017 at Arya Samaj Mandir, Napier Town, Jabalpur and reception is arranged thereafter on 7/5/2017 at City Bengali Club, Karamchand Chowk, Jabalpur. The said aspect is found established from the Invitation Card as well as affidavits of applicant and her bridegroom. In that view of the matter, application is liable to be allowed for a limited period of seven days as per order below :

ORDER

Applicant shall be released on temporary bail for the purpose of her marriage on her executing a P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount for a period of one week, i.e. with effect from 3/5/2017 till 10/5/2017.

Applicant shall be released under Police Escort, preferably Lady Constables in Civil Uniform, on payment of required charges for such escort by applicant.

Police Escort shall produce applicant at Arya Samaj Mandir, Napier Town, Jabalpur within the jurisdiction of Police Station, Gadha, Taluq and District Jabalpur (Madhya Pradesh) for the purpose of marriage on 5/5/2017 and thereafter on 7/5/2017 at City Bengali Club, Karamchand Chowk, Jabalpur for reception and thereafter at the house of bridegroom bearing No. N-15, Sainik Society, Shaktinagar, Jabalpur within the jurisdiction of Police Station, Gadha.

Applicant shall be brought back by the Police Escort to Central Prison, Nagpur on 10/5/2017 by 5 p.m. and shall report compliance thereof to this Court on the next date.

Stand over to 5/6/2017 for compliance.

Hamdast allowed.

JUDGE

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