

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

BAIL APPLICATION NO.114 OF 2018

Manzoor Furkan Shaikh

... Applicant

V/s.

The State of Maharashtra

... Respondent

Smt. Mallika Ingale for the Applicant.

Mr. R.M. Pethe, APP for the Respondent State.

PSI Mr. Sharad Pawar, Palghar Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 22nd JANUARY 2018

P.C.:

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.I/46/2017 dated 17.08.2017 registered with Palghar Police Station under Sections 363, 376(j)(k)(n), 366 & 366(a) of Indian Penal Code r/w. Sections 4, 8 & 12 of POSCO Act.

2. The first information report is lodged by Mr. Pappu V. Jadhav with an allegation that, on 16.08.2017 at about 10.00 a.m. his daughter Amisha Jadhav left his house under the pretext of going to her uncle's house at Wada Pali and did not return home. That some unknown person

by inducing and luring has kidnapped her. On the basis of the said statement, initially the present crime was registered under Section 366 of Indian Penal Code.

During the course of investigation, it is revealed that the victim girl eloped with accused No.1 Wasim Shaikh and on 11.10.2017 Wasim Shaikh performed marriage with her. That the said marriage was solemnized as per the Islamic rites by the present applicant, who is a “Maulavi” of Islam Madarsa, Boisar Road, Taluka & District Palghar. It is submitted by the learned Counsel for the applicant that, on 25.12.2017 the victim girl alongwith accused No.1 Wasim Shaikh returned to her parents' house, whereupon the applicant was arrested on 26.12.2017 and since then he is in jail.

3. After perusing the record, it prima-facie appears that, on the date of incident i.e. on 16.10.2017 the victim girl was above 17 years of age and had attained the age of understanding and discrimination and she eloped with accused No.1 Wasim Shaikh at her own will. As noted earlier, it is the allegation against the applicant that, he performed the marriage ceremony of victim girl with accused No.1 Wasim Shaikh on 11.10.2017

as per the Islamic rites and rituals. The record further indicates that, the investigation of the present crime is practically completed and further incarceration of applicant is not necessary.

4. In view of the above the applicant can be released on bail.

Hence, the following order.

a) The applicant be released on bail in CR No. NoI/46/2017 dated 17.08.2017 registered with Palghar Police Station on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After his release from Jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m.

c) The applicant shall attend all the dates before the Trial Court unless precluded by medical reasons.

d) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)