

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 219 OF 2018**

Yunus Najir Shaikh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ranjeeth Patil for the Applicant.

Mr. S.S.Pednekar, APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 29, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No.299 of 2017 registered with Sangli City Police Station, Sangli for offences under Section 276(2)((f) , 276(2)(n), 354, 504, 506 r/w. 34 of IPC.

2. Heard Mr. Patil, the learned Counsel for the applicant and Shri Pednekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The applicant is the husband of the first informant/prosecutrix.

They were married on 31st March, 2017. The first

informant/prosecutrix lodged the FIR dated 6.12.2017 alleging that on 28th August, 2017 her brother-in-law i.e. the brother of the applicant herein had outraged her modesty. She had further stated that about 4-5 days thereafter he had sexually abused her. She claims that she had informed her husband and her sister-in-law about the said incident. However, they had told her to ignore the said incident. The only allegation against the applicant is that he had not supported the prosecutrix and on the contrary he had disbelieved her when she told him that she was being sexually abused by his brother Pheroze.

4. The records indicate that the main accused Pheroze who had allegedly sexually abused the prosecutrix has been granted bail. The co-accused Parveen Mhamad Hussain Sayyad and Mhamad Hussain Shabbir Sayyad, against whom similar allegations are made have also been granted pre-arrest bail by this Court by order dated 18th January, 2018 in ABA/101/2018 and Order dated 30th January, 2018 in ABA/158/2018. Hence the applicant who is similarly placed is also entitled for bail on the ground of parity. The applicant is a permanent resident of Miraj, District Sangli. There are no chances of

his absconding or thwarting the course of justice. He has no criminal antecedents.

5. Considering the above facts and circumstances, particularly the role attributed to the applicant, in my considered view, this would be a fit case for grant of pre-arrest bail. Hence the order :-

(i) In the event of arrest of the applicant in Crime No.299 of 2017 registered with Sangli City Police Station, Sangli, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer for four days from Monday 5th November, 2018, and as and when required by the Investigating Officer for the purpose of investigation and interrogation;

(iii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer;

(iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer;

(ANUJA PRABHUDESSAI, J.)