

*Nalawade*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTIONANTICIPATORY BAIL APPLICATION NO. 257 OF 2018
Ashfaq Hasan Shalee vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sujit Shelar for the Applicant.

Mrs. A.A.Takalkar, APP. for the State.

CORAM :A.S.GADKARI, J.

DATE : 9th February, 2018

P.C.

1. The applicant is apprehending arrest in CR No. 510 of 2017 dated 19.12.2017 registered with Khar Police Station, Mumbai City under Sections 354, 323 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

2. The first information report is lodged by Smt. Sangeeta Dhanuka. It is the prosecution case in brief is that, there are disputes between the step-mother of the informant and the informant. That, on 18.12.2017 at about 7.15 to 7.30 p.m. the applicant who is brother of Smt. Rijwana (step-mother of the first informant) tried to come inside the residential premises of

the first informant which was objected to and in the said scuffle it is alleged that the applicant committed an act as contemplated under Section 354 of the I.P.C. with Ms. Pramila daughter of the first informant.

3. Perused the record of investigation.

The record indicates that the alleged offence committed by the applicant has taken place during the course of the said incident of taking entry into the residential premises of the informant and prima facie, it appears that the applicant was not having any intention to commit the said offence as contemplated under Section 354 of the I.P.C. In view thereof, the applicant can be granted pre-arrest bail.

Hence, the following order.

a) In the event of arrest in CR No. 510 of 2017 dated 19.12.2017 registered with Khar Police Station, Mumbai City the applicant shall be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent locals sureties in the like amount.

b) The applicant shall attend the Investigating Officer as and when called for after receipt of notice under Section 160 of the Cr.P.C. and to joint the process of investigation between 10.00

a.m. to 1.00 p.m. till filing of final report.

c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)