

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 664 OF 2018

Zarina Mohd. Akhtar Khan & Anr	...Applicants
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. R. G. Gadgil, for the Applicants.
Smt. Rutuja Ambekar, APP for the State/Respondent.

CORAM: A. S. GADKARI, J
DATED: 11th JUNE, 2018

PC:-

1. By an order dated 9th April, 2018, the Applicant was granted interim relief.

Heard the learned Counsel for the Applicant and the learned APP. Perused the record.

2. Bare perusal of the first information report would indicate that the allegations as contemplated under Section 354 of Indian Penal Code r/w Sections 8 and 12 of Protection of Children from Sexual Offences Act ("POCSO", for short) are made against principal accused Akhtar. That a quarrel between the first informant and her family

members took place with the principal accused Akhtar which ensued in a free fight and it appears from the record that in the said free fight it is alleged that the applicants assaulted the first informant Smt. Shabnam Sayyad and therefore Section 323 has been applied to the present crime. Section 323 is bailable offence. As noted earlier the allegations as contemplated under Section 354 of Indian Penal Code are qua the principal accused namely Akhtar.

3. In view of the above, the applicants are entitled to be protected by pre-arrest bail.

Interim relief granted by an order dated 9th April, 2018, is hereby confirmed. However, the condition to attend the Investigating Officer of the concerned police station is waived.

4. Application is allowed in aforesaid terms.

[A. S. GADKARI, J.]