

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

ANTICIPATORY BAIL APPLICATION NO. 1379 OF 2018

Mohammed Shakil Jakir Hussain Shaikh ... Applicant
Vs.
State of Maharashtra ... Respondent

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Mr. Kunal Phoole for the applicant.
Ms. A.A. Takalkar, APP for the Respondent-State.
Mr. Dilip Chavan, API and Mr. Nilesh Dhonde, PSI of Sakinaka Police Station.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 3rd SEPTEMBER, 2018.**

P.C.

1. This is an application for anticipatory bail. The applicant is apprehending about arrest in connection with CR No. 231 of 2018 registered with Sakinaka Police Station for the offences punishable under Sections 363, 354, 506 read with Section 34 of Indian Penal Code and under Section 8 of POCSO Act, 2012.

2. Case of the complainant is that on 6th April, 2018, complainant was returning from school. Suddenly one car stopped near her and boy named Shehbaz (accused No.1) forcibly took her into car. He told her that he wanted to marry her but the complainant told him that his family will not permit her to marry

him and she tried to get down from the car. In the mean time people from the locality gathered there.

3. It is submitted by the counsel for the applicant that allegation against the applicant is that he was driving the aforesaid vehicle. It is submitted that accused No.1 being juvenile has pleaded guilty for the said offence and the case against him has been disposed off. On 4th June, 2018, the applicant preferred an application for anticipatory bail before the Sessions Court which has been rejected on 30th June, 2018. It is submitted that the applicant is a student.

4. Learned APP submitted that the applicant has been attributed the role of driving the said vehicle. He has participated in the said crime.

5. Taking into consideration the role attributed to the applicant, the relief sought in the application can be granted. The accused No.1 is a person who forcibly dragged the complainant in the said car. The applicant was granted interim protection by this court vide order dated 13th July, 2018 it was directed that the applicant shall not be arrested till next date and said interim protection has been continued from time to time.

6. Taking into consideration the aforesaid aspect, case for grant of anticipatory bail is made out. Hence, I pass the following order.

ORDER

- i) Anticipatory Bail Application No. 1379 of 2018 is allowed.
- ii) Interim order dated 11th July, 2018 is confirmed.
- iii) In the event of arrest of the applicant in connection with CR No. 231 of 2018 registered with Sakinaka Police Station, the applicant be released on bail on furnishing PR bond of Rs.15000/- (Rs. Fifteen Thousand) with one or more sureties in the like amount;
- iv) The applicant shall attend the Investigating Officer of Sakinaka Police Station as and when called for.
- v) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;
- v) Application stands disposed off.

(PRAKASH D. NAIK, J.)

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