

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1703 OF 2018

Firdaus Farook Kazi, Age 26 years,
Occ.Housewife, R/o.Room No.438,
Janta Sevak Society, Mori Road,
Mahim (West), Mumbai-400 016.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Niteen Pradhan I/by Ms.Shubhada Khot for applicant.

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

Ms.Anjali Wani, PSI, Mahim Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th August 2018

PC :

1. This is an application for anticipatory bail in connection with CR No.311 of 2017 registered with Mahim Police Station, Mumbai under Sections 376(2), 323, 324, 506 read with Section 34 of Indian Penal Code, and Sections 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The FIR was lodged on 25th October 2017 by the victim minor girl with Mahim Police Station alleging that accused no.1 Farook @ Akram Abdul Razzak Kazi is her uncle. The victim was aged about 16 years on the date of lodging the complaint. It is alleged that the accused no.1 and her father were convicted in a murder case and whenever the accused no.1 Farook used to come home on parole, he used to sexually assault the victim. The assault had continued for a

long period of time. The present applicant is the wife of accused no.1 Farook. The allegations against the applicant in the complaint is that she had inflicted candle burns to victim.

3. The accused no.1 was arrested. He had preferred application for bail before this Court viz Bail Application No.745 of 2018. The applicant was subsequently shown as wanted accused in the said crime. While granting regular bail to accused no.1 Farook, it is observed by this Court that the statement of victim was recorded u/s 164 of Cr.P.C by learned Magistrate, 15th Court, Mazgaon, Mumbai wherein she has stated that she was interested in a boy and she informed the said fact at home. Due to which the applicant used to assault her. The applicant assaulted her severely and therefore she went to police station and lodged the present crime against the accused. The report submitted by Probation Officer, Unit-5 dated 15th November 2017 also indicated that the officer has analyzed the conduct of prosecutrix and has also referred to certain version of the prosecutrix. The said report dated 15th November 2017 has been annexed to this application.

4. Taking into consideration the aforesaid circumstances, case for allowing this application is made out. Hence, I pass following order:

ORDER

(i) Criminal Anticipatory Bail Application No.1703 of 2018 is allowed;

(ii) In the event of arrest of the applicant in connection with CR No.311 of 2017 registered with Mahim Police Station, Mumbai, the

applicant may be released on bail on furnishing PR bond in the sum of Rs.15,000/- with one or more sureties in the like amount;

(iii) Criminal Anticipatory Bail Application No.1703 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST