

nsc.

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

CRIMINAL BAIL APPLICATION NO.844 OF 2019

Majid Abdul Aziz Khan	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.Mohammed Umar Z. Kazi, for the Applicant.

Mr.A.R.Kapadnis, A.P.P for the Respondent - State.

PSI – R.J.Shete, Ambernath Police Station, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 20th JUNE, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant, aged 21 years, seeks his enlargement on bail in connection with C.R.No.I-263 of 2018 registered with the Ambernath Police Station, Thane, for the alleged offences punishable under Sections 306, 363, 366(A), 376(3) of the Indian Penal Code and under Sections 3, 4, 7, 8 and 10 of the Protection of Children

from Sexual Offences Act.

3. Perused the papers, in particular, the 164 statement of the complainant. It appears from the complainant's 164 statement, that the complainant's daughter (deceased), aged 16 years was in a relationship with the applicant, aged 21 years; that a few days prior, the complainant's daughter, had left the house, pursuant to which, the complainant had lodged a complaint against the applicant with the Police Station; that pursuant to the said complaint, the applicant was arrested and was in custody. It further appears that the complainant's daughter went to the Police Station and requested the police as well as her parents to release the applicant. It also appears from the said statement that the complainant's daughter had left the house on her own accord again on 2nd September, 2018 with the applicant. It appears that on 19th September, 2018, the complainant, her husband, a Corporator of the area and others went to meet and convince the complainant's daughter to return home, however, she refused. On 20th September, 2018, the complainant's daughter called her aunt and stated that they should be allowed to live. On 26th September, 2018, complainant's daughter committed suicide. Admittedly, she was

alone at home, when she hanged herself. The final cause of death is reserved and so also whether the complainant's daughter was sexually assaulted. The report is not yet received. It appears that the complainant's family was against her relationship with the applicant. Investigation is complete and charge-sheet is filed. The applicant is in custody since 2018.

4. Having regard to the peculiar facts, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the trial Court on every date, given by the trial Court;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court

as well as to the concerned Police Station, in writing;

iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial;

5. The Application is allowed and disposed of in above terms.

6. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.