

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 824 OF 2018**

Mubina Abid Khan

....Applicant.

Vs.

The State of Maharashtra & Ors.

....Respondents.

Mr. Pankaj Kavale for the Applicant.

Ms. J.S. Lohokare APP, for the Respondent-State.

Mr. Ram Upadhyay for the Intervenor.

CORAM : A. S. GADKARI, J.

DATE : 22nd MARCH, 2019.

P.C.:-

By a reasoned Order dated 24th April, 2018, the Applicant was granted interim relief.

2 Heard the learned counsel for the Applicant, the learned counsel for the first informant and the learned APP. Perused the charge-sheet.

3 It is a matter of record that, the first information report is lodged after about 17 to 18 years of the alleged first sexual assault. The first information report further proceeds on the apprehension that the daughter of the first informant, who was aged about 13 years on the date of lodgment of the crime was likely to be forced into the

vocation of prostitution by the Applicant and her husband Abid Hasan Khan.

4 The record further indicates that, the co-accused Abid Hasan Khan has been released on bail by this Court by its Order dated 27th September, 2018. It is observed in the said Order that, there are no statements of any witnesses to corroborate the fact that the Complainant was in the prostitution and she was entered into the prostitution due to force. That, admittedly according to the Complainant herself, she was residing with the Applicant and his wife (Applicant herein) since last more than 15 years. It has been further observed that, the statement of doctor nowhere suggests that the Complainant was forced to undergo abortion. The findings recorded by the co-ordinate Bench in its Order dated 27th September, 2018 holds the field.

5 The investigation of the present crime is already completed. After perusing the entire record, this Court is of the considered view that the custodial interrogation of the Applicant for further investigation of the present crime is not necessary.

Interim relief granted by Order dated 24th April, 2018 is

hereby confirmed.

However, the condition to attend the Investigating Officer of the concerned Police Station is waived.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)