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

CRIMINAL BAIL APPLICATION NO.2642 OF 2019

1. Mohd. Naseem Mohmadali Khan	
2. Shabana Abdul Khan	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.D.B.Shinde, for the Applicants.

Ms.P.P. Shinde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th SEPTEMBER, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.I-213 of 2019 registered with the Vartak Nagar Police Station, Thane, for the alleged offences punishable under Sections 363, 366 and 34 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act.
3. Perused the papers. The applicants are the brother-in-law and sister of co-accused - Rais Khan, aged 21 years. It is alleged by the

prosecution that co-accused - Rais Khan, aged 21 years, kidnapped the complainant's daughter, aged about 17 years 8 months. As the complainant's daughter was missing, he lodged a complaint with the Vartak Nagar Police Station, as against unknown person. Learned Counsel for the applicants informs that co-accused - Rais Khan and complainant's daughter were in love with each other and as there was rivalry between the parties, they decided to run away from the house, without informing any one. It appears that the applicants were arrested as they had permitted co-accused - Rais Khan and Ishrat to stay with them for a day. It appears that on the next day, the girl was found and handed over to her parents. The applicants are in custody since August, 2019.

4. In the peculiar facts of this case, further detention of the applicants is not warranted. Accordingly, the application is allowed on the following terms & conditions :-

O R D E R

- i) The Applicants be released on cash bail in the sum of Rs. 5,000/- each, for a period of four weeks;
- ii) The Applicants shall within the said period of four weeks, furnish P. R. Bond in the sum of Rs.5,000/- each with one or two sureties in the like

amount;

iii) The Applicants shall attend the concerned Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the filing of the charge-sheet;

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

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 the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.