

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

ANTICIPATORY BAIL APPLICATION NO.2183 OF 2019

Farida Akbar Khan & Ors.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Raju D. Suryawanshi, Advocate for Applicants.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- HC Mr.R.B. Koli, Igatpuri Police Station, Nashik, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th OCTOBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.76/19 registered with Igatpuri Police Station, Nashik, under sections 376, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The FIR is lodged on 09/09/2019 by the prosecutrix herself. The Applicant No.1 and No.3 are the parents of main accused Imran Akbar Khan and accused No.2 is his uncle.

3. In the FIR the prosecutrix has stated that she was 27 years of age. She was resident of Igatpuri. At the time of lodging FIR she was residing at Nashik. The main accused Imran and she got acquainted in the year 2012 and since then they were having love relations. On 13/04/2013 he had proposed to her for marriage. They started meeting each other. The FIR thereafter describes various instances during which they had their physical relations. She has described that their sexual intercourse took place in the house of the Applicant No.2 and in some lodges. The Applicants had given their permission for their marriage in the year 2017. However, in April 2018 the Applicants and Imran started avoiding subject of marriage and subsequently in the month of May 2019 refused to allow her to marry Imran. Thus she was convinced that her consent for sexual intercourse was obtained by deceit by the main accused Imran.
4. Heard learned Counsel Mr.Raju D. Suryawanshi for the Applicant and learned APP Ms.S.S. Kaushik for the State.

5. Mr.Suryawanshi submitted that absolutely no offence is attributed against the present Applicants. He further submitted that all the allegations are directed towards accused Imran.
6. Learned APP on instructions makes a statement that police do not want custody of the Applicants.
7. I have considered these submissions. Bare reading of the FIR shows that the Applicants cannot be roped in this case for the acts committed by the main accused Imran, who is reportedly absconding. By no stretch of imagination it can be said that the Applicants were instrumental in prosecutrix giving consent for physical relations with Imran. Even the police do not want their custody. In this view of the matter, the Applicants deserve to be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.76/19 registered with Igatpuri Police Station, Nashik, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)