

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

CRIMINAL BAIL APPLICATION NO. 3214 OF 2018

Jarina Mohammad Shafik Siddiki ... Applicant

Vs.

The State of Maharashtra ... Respondent

...

Mr. Md. Farooque Nisar Momim a/w Mr. Gautam Jain for applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 15th JANUARY, 2019.

P.C.

1. This is an application for bail in connection with CR No. I-118 of 2017 registered with Bhiwandi Police Station for the offence punishable under Section 376(D) and 366 read with 34 of Indian Penal Code.

2. The brief facts of the prosecution case is that the complainant is a married lady. She demanded Rs.200 with the applicant/accused as her husband is not allowing her to go to her native place. Applicant had told her that her brother was going to native place and asked her to go with him. According to the prosecution, the complainant went alongwith co-accused. Said co-accused took the complainant to Ulhasnagar, Surat, Khudigaon, Post. Salasar Tal. Sujangad, Dist. Chur Rajasthan and he

committed forcible sexual intercourse with her during the period of 5th May, 2017 to 19th May, 2017. The husband of the victim had lodged the missing complaint at the respective police station after the victim left the house.

3. Learned counsel for the applicant submits that only role assigned to the applicant is that she told the complainant to go to her native place alongwith her brother. Learned APP submits that applicant has aided and abetted the co-accused in commission of crime. She had knowledge about the intention of the co-accused.

4. On perusal of the First Information Report and other documents, the only role that has been assigned to the applicant is that she had told the complainant to accompany with her brother to go to her native place. Victim was traced at Rajasthan before the registration of First Information Report. She has allegedly accompanied co-accused to several places and at the time the co-accused had established the physical relationship with her. Investigation is completed and chargesheet has been filed. Considering the circumstances as stated above, the case for grant of bail is made out.

ORDER

- i Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. 118 of 2017 registered with Bhiwandi Police Station on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii. Applicant shall attend the trial Court on the date of hearing unless exempted by the trial Court;
- iv. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)