

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

**WITH
CRIMINAL BAIL APPLICATION NO.3265 OF 2018**

Irfan Khurshid Aalam Ansari & Anr.	.. Applicants
Vs.	
State of Maharashtra	.. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2558 OF 2018**

Mohammed Ilyas Yakub Ansari	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mrs.Prabha U. Badadare, Advocate for the Applicants.

Mrs.G.P. Mulekar, APP for the Respondent – State.

Ms.Trupti Khamka, Advocate for the Intervener.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 18, 2019.

P.C. :

Applicants in Bail Application No.3265 of 2018, are seeking bail in connection with C.R.No.551 of 2018, registered with Andhri Police Station, Mumbai, for the offences punishable under Sections 376, 313, 504, 506(II) read with 34 of Indian Penal Code (“IPC”, for short).

2 Leave to amend to add original complainant as respondent.

3 Anticipatory Bail Application No.2558 of 2018, is preferred seeking protection under Section 438 of Code of Criminal Procedure, in the said complaint.

4 Complainant is present in Court. She is represented by the concerned advocate who has identified her. Affidavit/no objection dated 16th January, 2019 is tendered. In the said affidavit it is stated that victim has delivered a male child and at present child is in custody of relatives of accused no.1. It is also stated that accused no.1 has promised that after performing marriage with her, he would take proper care of the complainant and the child, and treat them with respect. He has also promised that his family members will accept her as his wife and their daughter-in-law and provide her proper care. The brother of the complainant is present in the Court. He is identified by the advocate appearing for the intervener. Applicant no.1 (accused) has signed an undertaking before the jail authorities, which is tendered in this proceeding. In the said undertaking it is stated that after his release on bail, he would perform marriage with the

complainant and would accept her as her legally wedded wife. It is also stated that he undertakes to take care of complainant and the child. The said undertakings and affidavits of the complainant are taken on record and marked "X" and "X-1" for identification. Applicant no.2 in 3265 of 2018, is brother-in-law of applicant no.1. The complainant has no objection for granting bail to this applicant. However, it is stated by the counsel representing the complainant that after grant of bail the matter be kept pending for compliance to verify whether the undertakings filed by the accused is complied.

5 Taking into circumstances, I pass the following order:

:: O R D E R ::
(IN BAIL APPLICATION NO.3265 OF 2018)

- (i) Criminal Bail Application No.3265 of 2018, is allowed;
- (ii) Applicants are directed to be released on bail in connection with C.R.No.I-551 of 2018, registered with Andheri Police Station, Mumbai, on their furnishing P.R. Bond in the sum of Rs.20,000/-, each with one or more sureties in the like amount;

(iii) Applicant is permitted to furnish cash security in the sum of Rs.20,000/- in lieu of surety, for a period of six weeks;

(vi) Applicant Irfan Khurshid Aalam Ansari (Accused no.1) shall be adhered the undertaking filed before this Court;

:: ORDER ::
(IN ANTICIPATORY BAIL APPLICATION NO.2558 OF 2018)

(i) Anticipatory Bail Application No.2558 of 2018 is allowed;

(ii) In the event of arrest of Applicant in C.R.No.I-551 of 2018, registered with Andheri Police Station, Mumbai, on his furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;

(iii) Both the applications are adjourned to 8th February, 2019, for compliance.

(PRAKASH D. NAIK, J.)