

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2696 OF 2018

Imran Rafik Saya

Applicant

versus

The State of Maharashtra

Respondent

Mr.Niranjan S. Mundargi I/by Ravindra Khillare for applicant.

Mr.S.R.Agarkar, APP, for State.

Mr.K.D.Sonawane, PSI, Kalwa Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd January 2019

PC :

1. This is an application for anticipatory bail in connection with CRI-348 of 2018 registered with Kalwa Police Station for offences under Sections 366, 498A, 406, 507, 354, 323, 504, 506(2), 34 of Indian Penal Code.

2. The FIR was lodged on 27th September 2018. It is alleged that on 12th December 2017 the complainant was abducted by the accused and marriage was solemnized thereafter. After performing the marriage the complainant and the accused had stayed together. It is alleged that the applicant and the co-accused had caused harassment to the complainant. It is also alleged that the co-accused have outraged the modesty of the complainant. The marriage was solemnized on 14th December 2017. It is also alleged that on 7th

August 2018 the applicant had thrown the complainant out of rickshaw. It is further alleged that on account of assault, the complainant had undergone miscarriage.

3. Learned APP pointed out the statement of the complainant recorded u/s.164 of Cr.P.C. The incident of alleged kidnapping was of 12th December 2017 and the marriage was performed on 14th December 2017 and thereafter the applicant and complainant stayed together as husband and wife. The incident of throwing the complainant out of rickshaw and miscarriage had occurred at the earlier point of time, the FIR was lodged belatedly. The medical case papers produced by the investigating officer do not establish that on account of assault by the applicant the complainant had undergone miscarriage. Charge u/s 313 of IPC has not been invoked in this case. The co-accused had preferred application for anticipatory bail which has been allowed.

4. Considering the aforesaid circumstances, case for grant of anticipatory bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.2696 of 2018 is allowed and disposed off;
- (ii) In the event of arrest of applicant in connection with CR No.I-348 of 2018 registered with Kalwa Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the investigating officer of Kalwa Police Station on 14th to 16th January 2019 between 11 am and 1 pm

and thereafter as and when called for by the investigating officer till filing of charge sheet;

(iv) The applicant shall not tamper with the evidence.

(PRAKASH D. NAIK, J.)

MST