

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.549/2019

Shabana Bano wd/o Shaikh Salim .vs. State of Maharashtra through PSO
P.S. Akot, Tq. Dist. Akola.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. N. R. Tekade, Advocate for applicant.

Mr. V. A. Thakare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 23, 2019

Heard Mr. Tekade, learned counsel for applicant
and Mr. Thakare, learned A.P.P. for non applicant-State.

The applicant, who is a lady is seeking her pre-arrest bail since she is apprehending her arrest in connection with Crime No.208/2019, registered with Police Station Akot File, Tq. Dist. Akola for an offence punishable under Sections 363, 354, 504, 506 read with Section 34 of the Indian Penal Code and Sections 7 and 8 of the Protection of Children From Sexual Offences Act.

The FIR is lodged by Faimidabi Shaikh Jamir on 30.04.2019 on the allegation that on 29.04.2019 at about 07.00 p.m., she sent her daughter, the victim, to purchase grocery. Since, she did not return for long, she went to the grocery shop. At that time, she noticed that her daughter, the victim, was talking with the present applicant and co-accused Shaikh Abrar and Shaikh Jamir and they boarded an auto rickshaw and went away.

Reply of the prosecution would show that when medico-legal examination of the victim was tried to be conducted that time consent was not offered. Consequently, it was not done. According to reply, statement of the victim is recorded under Section 164 of the Code of Criminal Procedure. Reply would show that all overt acts are attributed to co-accused, who are already arrested and are in jail. No overt act is attributed to present applicant.

In that view of the matter, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.208/2019, registered with Police Station Akot File, Tq. Dist. Akola for an offence punishable under Sections 363, 354, 504, 506 read with Section 34 of the Indian Penal Code and Sections 7 and 8 of the Protection of Children From Sexual Offences Act, applicant-Shabana Bano w/o Shaikh Salim, be released on bail on she executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in like amount.
- (iii) The applicant is directed to remain present in Police Station as and when she is called by investigating officer, till the filing of the charge-sheet. However, for that the investigating officer shall give a clear cut three days written communication to her.

The application is disposed of.

JUDGE