

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

ANTICIPATORY BAIL APPLICATION NO.1060 OF 2020

Farukh Chand Mohd. Qureshi	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.V.K. Dubey, Advocate for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent – State.

Mr.Chandrakant Jadhav, PSI Charkop Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 14, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.763 of 2020, registered with Charkop Police Station, Mumbai, for the offence punishable under Section 363 of Indian Penal Code (“IPC”, for short) and subsequently added Section 376 of IPC, Sections 4, 8, and 12 of Protection of Children from Sexual Offences Act (“POCSO Act”, for short) and Section 9 of Prohibition of Child Marriage Act.

**RajeP.
Aher**

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First Information Report (“FIR”, for short) was lodged

by the mother of the victim stating that the victim has left house and she has been kidnapped from lawful guardianship. Subsequently, statements of victim girl was recorded on 25th September, 2020. In the said statement, she stated that the applicant was acquainted with her family. The victim used to tie Rakhi to accused. Subsequently, the applicant told her that he likes her and he want to marry her. The mother of the victim was not aware about the relationship. Accused had promised that after she attains the age of majority, he would perform marriage with her. In December 2019, the applicant took the victim to some hotels. There was forceful sexual relationship with her. On 17th September, 2020, the victim girl left with the applicant. She stayed with him for two days. Applicant prepared Aadhar Card of the victim and showed her date of birth as 26th December, 1999. She was taken to Family Court and marriage was performed. Thereafter, the victim went to the house of the applicant. The victim learnt that her mother had lodged missing complaint with Charkop police station and the police are searching them. On 25th September, 2020, applicant and victim jointly went to Bhyander Police Station. Police contacted the complainant. Apprehending that the applicant would be arrested, he left the police station.

3 Learned counsel for the applicant submitted that the relationship was consensual. Applicant and the victim were acquainted with each other. It is alleged that the marriage was performed.

4 Learned APP submitted that at the time of the victim was minor aged about 17 years, the applicant was involved in preparing Aadhar Card to show that the victim was major.

5 The statement of the victim which is narrated hereinabove, shows that the victim and the applicant were acquainted with each other. There was physical relationship between them. They had visited several places. Marriage was performed. After knowing that the victim's mother has lodged complaint, both of them visited Bhyander police station. In the light of the facts of this case, custodial interrogation of the applicant is not warranted.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.1060 of 2020, is allowed;

- (ii) In the event of arrest of applicant in connection with C.R.No.763 of 2020, registered with Charkop Police Station, Mumbai, the applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report the investigating officer on 25th, 27th and 28th January, 2021, between 11:00 a.m. to 01:00 p.m., and, thereafter, as and when called for;
- (iv) Anticipatory Bail Application No.1060 of 2020, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)