

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

ANTICIPATORY BAIL APPLICATION NO. 1056 OF 2020

Mr. Irfan Nasir Malik

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Ms. Saima Ansari for Applicant.

Ms. P. N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th JANUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.695 of 2019 registered at M.I.D.C. Bhosari Police Station, Pune, under sections 363, 366, 376(D) of the Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'F.I.R.') is lodged by the father of the victim. According to the first informant, the victim was 15 years of age and she had disappeared from their house from 31/10/2019 in the night. The F.I.R. was against an

unknown person who had abducted the victim. The investigation was carried out and the applicant is apprehending his arrest in that connection.

3. Heard Ms. Saima Ansari, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

4. The learned counsel for the applicant submitted that the victim was having a love affair with the main accused Shaharukh. Today both of them are married and staying together. Shahrukh is granted regular bail. She submitted that, in this view of the matter, even the present applicant who is not named in the F.I.R. should be protected by an order of anticipatory bail.

5. The learned APP opposed this application. She relied on the statement of the victim recorded during the investigation. The victim has given detailed description of the incidents which took place after 31/10/2019. She, therefore, objected the grant of anticipatory bail. However, the learned APP fairly submitted that their investigation revealed that the victim was an adult and not 15 years of age as claimed by the first informant.

6. I have considered these submissions and I have

particularly perused the statement of the victim recorded on 11/06/2020. She has stated that, she got acquainted with the main accused Shaharukh. On 31/10/2019, at odd hours at 3:30a.m. he came to her house. He put his handkerchief on her mouth because of which she became unconscious. She was taken to a bus stand at Jadhav wadi. Then she was taken to Delhi via Mumbai. He was accompanied by other accused including the present applicant. First she was taken to Muradabad and then again she was taken to Delhi. They were residing in one hotel room. All the friends of Shaharukh were residing with the victim in one room. There are allegations that, all of them, including the present applicant had forcible sexual intercourse with the victim turn by turn. Her ordeal continued for few more days. She was taken to various places and finally she was taken to Shahrukh's house at Aliabad. She stayed there for one month. Thereafter she called her aunt and asked her to rescue her. Thereafter the victim's family went there and brought her back to Pune. This statement is clearly implicates the present applicant. The offence is serious and many persons have taken advantage of helpless position of the

victim. Considering the gravity of the offence, no case for grant of anticipatory bail is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)