

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

2 ANTICIPATORY BAIL APPLICATION NO.457 OF 2022

YASMIN BEGUM EJAJ QURESHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Avinash R. Borulkar.
APP for Respondent/State: Mr. V. S. Badakh.
...

CORAM : **SARANG V. KOTWAL, J.**

DATE : 06th June, 2022.

PER COURT:

. It is an application for anticipatory bail. The applicant is apprehending arrest in connection with C.R. No.807 of 2020, registered at CIDCO Police Station, Aurangabad dated 27th December, 2020, for the offences punishable under Sections 363 and 372 read with 34 of the Indian Penal Code.

2 Heard Mr. A. R. Borulkar, learned counsel for the applicant and Mr. Badakh, learned APP for the State.

3 The FIR is lodged by the father of the victim. The victim was 17 years of age and hence minor at the time of incident. The FIR mentioned that in the past the victim had left her house on two occasions and on each of those occasions she was brought back by

the police. As far as the present FIR is concerned, the victim was missing from 16th October, 2020. Considering her past conduct, the father did not lodge the FIR immediately. On 26th December, 2020, he received a phone call from the victim. She informed the father that the present applicant and one Salim had abducted her and had taken her to Ahmedabad and sold to a person for Rs.3,00,000/- and the applicant and the said Salim had returned to Aurangabad. Considering the seriousness of the incident, the informant approached the police and lodged FIR. After the FIR was lodged, the police rescued the victim and brought her back to Aurangabad. Her statements under Section 161 as well as 164 of the Code of Criminal Procedure were recorded. In those statements, she has stated that the present applicant had induced her by telling her that she would be paid Rs.30,000/- per month for doing a job with caterer. The victim was told that she would be required to go to a different city. She has further narrated that they went to Ahmedabad and there she was shown to a boy. The victim was told that she should stay with that boy as his wife for 15 days and thereafter, she should come to the applicant with money and ornaments. On this representation, on 1st November, 2020 the engagement with that boy took place. The victim came to know that the applicant and others had taken Rs.70,000/- and on 6th November, 2020, the victim was married to that boy. After a few days, the victim informed that boy and his mother about the true facts. In the

meantime, the police came there and rescued her.

4 Learned counsel for the applicant submitted that the conduct of the victim herself is not proper. She on her own had left her house. Even in the past she had done same thing and therefore, the applicant should not be denied the relief of anticipatory bail.

5 The learned APP, on the other hand, submitted that the offence is serious and the matter requires investigation.

6 I have considered the submissions. The FIR was lodged on 27th December, 2020. For more than 1 and ½ years the investigation against the applicant could not take place because she was not arrested. The allegations against her are quite serious. Apart from the offences mentioned in the FIR and the charge-sheet i.e. Sections 363 and 372 read with 34 of the Indian Penal Code, the other serious offences are also made out, for example, the offence under Section 370 is disclosed from the narration. The victim was minor. Therefore, I am not inclined to grant relief in this application. The application is rejected.

[SARANG V. KOTWAL, J.]