

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

Anticipatory Bail Application No.3474 of 2024

Abuzar Yaqub Qureshi

Age: 22 Years, Occ:

Service, R/at: 2/46/a

Pushpak Nagar,

Chikhalthana,

Aurangabad - 431001

... Applicant

versus

1. The State of Maharashtra
Chunabhatti Police Station

2. XYZ

R/at:- 2/46/a, Peeran Budhan

Ki Chawal, Qureshi Nagar,

Kurla (E), Opp. Vevek English

School, VTC, Mumbai - 400070

... Respondents

Mr Sachin Chandan, for the applicant.

Mr Arfan Sait, APP, for respondent No.1/ State.

Mr SC Mangle, for respondent No.2.

API Moule, Chunnabhatti Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.

Date: 19 December 2024.

P.C.:

Heard the learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in

connection with CR No.484 of 2024, registered at Chunnabhatti Police Station, Mumbai, for offences punishable under Section 376 of the Indian Penal Code and Sections 4, 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012.

3. According to the prosecution, the informant was a minor aged 17 years and 8 months when the applicant forced himself on her and established physical relations as they were going to get married soon. When the informant experienced pain in her stomach and was rushed to the hospital, she discovered that she was nine months pregnant. The hospital reported the incident to the police, and the present crime was lodged accordingly.

4. Mr Sachin Chandan, the learned Counsel appearing on behalf of the applicant, and Mr SC Mangle, the learned Counsel appearing for respondent No.2/ the informant, jointly submit that the informant and the applicant were in love, with their families' blessing got married on 9 May 2023, and are living happily. During labour, the informant was unaware of the FIR's contents and the allegations. Mr Mangle further submits that the informant has no grievance against the applicant and consents to granting him pre-arrest bail. To this effect, the learned Counsel tenders the informant's consent affidavit dated

18 December 2024, which is taken on record and marked 'X' for identification.

5. Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State, submits that the offence is serious. However, the learned APP fairly acknowledges that the investigation has concluded, except for the applicant's medical examination.

6. This Court has given anxious consideration to the rival contentions and perused the records. The investigation has concluded, except for the applicant's medical examination. The applicant and the informant got married and are living happily, and have been blessed with a child. There is no material to indicate that the applicant is a minor. The informant, who is present in the Court and identified by her Counsel, expresses no objection and consents to grant pre-arrest bail to the applicant. She also reiterates the contents of her consent affidavit dated 18 December 2024. In the peculiar circumstances of the case, the application is allowed in the following terms:

- (i) In the event of the applicant's arrest in CR No.484 of 2024, registered at Chunnabhatti Police Station, Mumbai, he shall

be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when directed by the investigating officer and to undergo medical examination.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)