

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1468 OF 2015

Shaikh Firzan @ Baba s/o
Shaikh Yusuf

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. H.I.Pathan, Advocate for Applicant.

Mrs. V.A.Shinde, A.P.P. for R – 1 State.

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CORAM : V.M.DESHPANDE, J.

DATE : 13th APRIL, 2015

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PER COURT :

1. Heard Mr. H.I.Pathan, learned counsel for the applicant and Mrs. V.A.Shinde, learned A.P.P. for respondent No. 1 – State.

2. F.I.R. is lodged by prosecutrix on 14/02/2014. On the basis of the said F.I.R., Crime No. 13/2015 is registered against the present applicant for the offences punishable u/s 376 (2) (I) (J), 506 read with 34 of the Indian Penal Code and u/s 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 registered with Police Station Purna, district Parbhani.

3. F.I.R., clearly shows very disturbing picture. The prosecutrix is beggar. She used to beg for her sustenance along with her mother. She has already lost her father. It appears from the accusations made against the applicant that he has tried to exploit the situation by making assurance to the prosecutrix that he will marry with her and thereafter has allured her for his company. It does not stop there. Thereafter, the applicant, according to the accusations made in the F.I.R., has committed sexual assault on the prosecutrix against her wish. Thereafter, also on 13/02/2015 he took away her mobile phone and left the place. The prosecutrix when made contact with him, the applicant asked her to come to Purna for taking her mobile and thereafter again committed sexual assault on her.

4. The investigation is at primary stage. If, at this stage, the applicant is released on bail, looking to the status of the prosecutrix the submission of the learned A.P.P. that the present applicant may extort influence on the prosecutrix, is not without substance.

5. In that view of the matter, present Criminal Application is dismissed.

[V.M.DESHPANDE, J.]