

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5959 OF 2015

Alif Gul Mohammad Ismile,
Age : 52 years, Occu.: Business,
R/o : Room No.1, Ingar Lala Chawal,
Vira Desai Compound, Vira Desai Road,
Andheri [West], Mumbai – 58 .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr. Joydeep Chatterji, Advocate for the applicant
Mr. S.D. Ghayal, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 20/11/2015

ORAL ORDER :

. Heard both sides.

2. Present applicant, who is apprehending arrest at the hands of Kadim Jalna Police Station, Dist. Jalna in crime no. 164 of 2013 for the offences punishable under section 363, 366, 366(A) of the Indian Penal Code and under section 5 of the Immoral Traffic (Prevention) Act, 1956 and under section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, is praying for his release on anticipatory bail in the event of his arrest.

3. His earlier application for the same relief bearing Criminal Application no. 2467 of 2014 was dismissed by this Court on merit on 18/06/2014.

4. Mr. Chatterji submits that while present applicant was shown as absconding accused, the main accused was tried by the Special Court (Sessions Court) and she was acquitted by the learned Sessions Judge cum Special Judge from all the offences, as the mother of the victim child as well as the victim child did not support the prosecution during the trial.

5. Learned A.P.P. opposed the application. He submits that though the victim of the mother did not support the prosecution as regards the another accused, it cannot be said that the same would apply so far as the present applicant is concerned, who was absconding and, therefore, the trial was concluded only with regard to one of the accused.

6. Considering all the material on record and finding that the present applicant remained absconding despite knowing that the crime was registered and that his wife was tried, in my view, no case for grant of

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anticipatory bail is made out. In the result, the following order:-

7. The Application is hereby rejected.

[M.T. JOSHI]
JUDGE

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