

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

Criminal Application (ABA) No. 145 of 2015

(Abdul Asad s/o Abdul Samad Vs. State of Mah. through P.S.O., P.S. Chandur Bazar, Tq. Chandur Bazar, Dist. Amravati)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri J. B. Kasat, Advocate for applicant
Smt. K. S. Joshi, A.P.P. for the State/non-applicant

CORAM : A. B. CHAUDHARI, J.

DATED : 11-6-2015

Heard learned counsel for the rival parties.

Perused allegations in the FIR lodged by the complainant. Perused the impugned order made by the learned trial Judge.

Age of the girl is stated to be 15 years. Learned trial Judge made an order granting anticipatory bail in favour of accused no. 1, Salman Ahmad Abdul Rashid while rejected the same insofar as present applicant is concerned. In complaint however, there is specific allegation of complainant that :

“Salman leaned on my vagina. He caught my neck and kissed me. My voice was choked. Moreover, he moved his hand on my breast and abdomen.”

Upon reading the complaint as above, I am satisfied that the order as to grant of anticipatory bail to Salman is illegal and contrary to the record.

Insofar as applicant is concerned, there is no offending allegation against him still he is not granted relief of anticipatory bail. That being so, I pass the following order.

ORDER

- (i) Criminal Application (ABA) No. 145/2015 is allowed.
- (ii) In the event of arrest of the applicant in Crime No. 233/2014 registered by Police Station Chandur Bazar, Tq. Chandur Bazar, Dist. Amravati, the applicant shall be released on bail on executing his personal bond of Rs. 5,000/- with one solvent surety in the like amount.
- (iii) Learned APP is directed to file an application challenging grant of anticipatory bail by impugned order to accused no. 1, Salman Ahmad Abdul Rashid on or before 22-6-2015.

JUDGE