

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3391 OF 2017

Raees Abdul Aziz Shaikh, ... **Applicant**
Age 58 years, Occu: Service,
R/o Usmaniya Park, Jalgaon

VERSUS

The State of Maharashtra ... Respondent
Through Jilha Peth Polce
Station,
Jalgaon, Dist. Jalgaon

Mr. Joydeep Chatterji, Advocate for the applicants
Mr. A. A. Jagatkar, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 25th July, 2017

ORDER:

1. Heard Mr. Chatterji, learned counsel for the applicant and Mr. Jagatkar, learned APP for the State.

2. Mr. Chatterji, the learned counsel for the applicant referred to the contents of the first information report, from which, it is seen that the main allegation of rape are against the son of the present applicant namely Parvez. According to the prosecutrix, the accused Parvez had kept illicit relations with her by assurance of marriage. There was physical relations between them for number of

occasions at various places. The allegation against the present applicant are that when prosecutrix approached the present applicant to disclose the instances between the informant and Parvaz, at that time, the applicant demanded sexual favour and therefore the present applicant is also made accused in the aforesaid crime.

3. On the basis information, offence came to be registered against the present applicant and his son on 21.06.2016 at Crime No. 66/2017 for the offences punishable under sections 376(2)(n), 417, 323, 504, 506, 507, 509 read with section 34 of the Indian Penal Code with Jilha Peth Police Station, Dist. Jalgaon.

4. The allegations against the son of the applicant are that the informant got acquainted with him in the year 2012 and he committed rape on the informant on the promise of marriage. Such relations continued till April, 2017. Till then, every time, Parvez used to promise that he would marry the victim, however, subsequently he refused.

5. Looking to the allegations against the

present applicant, it appears that those are relating to the offence punishable under section 354A(ii) of the Indian Penal Code, which is bailable offence. However, since the present applicant is named as accused in the first information report for the offence punishable under section 376 (2)(n) I.P.C., the applicant was constrained to file application under section 438 of the Cr. P.C.

6. Mr. Chatterji, the learned counsel further submits that the son of the applicant was surrendered before the police on 01.07.2017. In fact, there are no allegations against the present applicant in connection with the offence of rape. The applicant seems to be a Police Officer, serving as Police Sub Inspector.

7. In view of the above, the applicant can be protected from his arrest by putting certain conditions. Hence following order:

O R D E R

- i. In the event of arrest of the applicant in connection with Crime No. 66/2017 with Jilha Peth Police Station, Dist. Jalgaon, he

shall be released on bail on his executing
P.R. Bond of Rs. 25,000/- [Rs. Twenty Five
thousand only], with one solvent surety in
the like amount.

ii. The applicant shall not tamper with evidence
of prosecution in any manner.

iii. Criminal application disposed of.

(K. L. WADANE, J.)

JPC