

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

**917 CRIMINAL APPEAL NO.579 OF 2021**

**MUNIR ABBAS SHAH  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

...  
Advocate for Appellant : Mr.Sapkal Sandip R. and Mr. Sakhare  
Amarnath S.

APP for Respondent No. 1-State : Mr. S.P. Sonpawale  
Advocate for Respondent No. 2 : Mr. Arun S. Shejwal

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**CORAM : N.R. BORKAR , J.**

**DATE : 25<sup>th</sup> November, 2021.**

**P. C. :**

1. This appeal takes an exception to the order passed by the Special Judge, Aurangabad dated 25.10.2021 in bail application No. 1858 of 2021.

2. The appellant who is the accused in Crime No. 364 of 2021 registered by Khultabad Rural Police Station, District Aurangabad for the offences punishable under Sections 354, 354-A, 324, 504 of the Indian Penal Code (for short "I.P.C."), under Section 3 (1) (r) and 3 (1) (w) (i), 3 (1) (ii) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 & under Section 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 (for short "POCSO") Act has filed application for anticipatory bail.

3. The learned Special Judge, Aurangabad has rejected the application by the order impugned.

4. I have heard the learned counsel for the appellant and the learned APP for the Respondent-State and also the learned counsel for the respondent No. 2.

5. The learned counsel for the appellant submits that due to civil dispute the appellant who is journalist has been involved in a false case. It is submitted that appellant has committed no offence as alleged & on the contrary, the husband of the complainant and other accused persons assaulted the appellant on the very same day of alleged incident. It is submitted that on the basis of complaint lodged by appellant the offences punishable under Sections 143, 147, 148, 149, 324, 323, 504, 506 of the I.P.C. and under Section 3 and 4 of the Maharashtra Media Persons and Media Institution (Prevention of Violence and Damage or Loss to Property) Act, 2017 came to be registered against the husband of the complainant and others. It is submitted that as a counter blast a false complaint came to be lodged against the present appellant. It is submitted that the custodial interrogation of the appellant is not required and therefore, the learned Special Judge, Aurangabad ought to have allowed the application for anticipatory bail.

6. On the other hand, the learned APP for the respondent-State and the learned counsel for the respondent No. 2 submit that the appellant has not only abused the complainant on her caste, he outraged the modesty of the complainant and her minor niece. It is submitted that the appellant even assaulted the complainant & her niece & there are injury certificates to that effect. It is submitted that there are independent witnesses to the incident. It is submitted that considering the nature of the offence, the appellant may not be released on anticipatory bail.

7. I have perused the papers of investigation. In addition to abuses on caste, the complainant has alleged that present appellant caught hold of her hand & tried to drag her inside his house & when her minor niece tried to intervene, he outraged her modesty.

8. There are independent witnesses as to the incident, who have supported the version of the complainant. Considering these facts and circumstances, no case is made out for interfering with the order impugned.

9. Appeal is dismissed.

**( N.R. BORKAR )**  
**JUDGE**