

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 789/2021
(Shaikh Tohsin Shaikh Shakil Vs. State of Maharashtra)

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

Court's or Judge's orders

Shri B. Daffe, Advocate for applicant.
Shri S. D. Sirpurkar, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 03.12.2021.

Heard

2. In anticipation of arrest in Crime No. 497/2021 registered with the Police Station, Amadapur, Tahsil Chikhli, District Buldhana for offence punishable under Sections 354, 354-A, 354-D, 506 read with Section 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, the applicant is praying for pre-arrest protection.

3. Learned counsel for the applicant also seeks for interim protection.

4. At the instance of report lodged by mother of the victim girl aged 14 years, crime was registered. It is the prosecution case that the victim a village school going girl was persistently followed and harassed by the applicant in the village. On 13.10.2021, while victim had gone to flour meal, she was followed by the applicant and offered some remarks. The victim got frightened and informed to her mother as to how the applicant was harassing her. The

victim girl also disclosed that on 12.09.2021, while she was returning from flour meal, the applicant followed, interrupted, caught hold her hand and expressed his love. The victim stated that due to such unruly behaviour of the applicant, she is scared to move freely and therefore, the report.

5. Perused the case diary and relevant papers. The victim has stated about the act of applicant of amounting to physical contact with sexual intent. The entire story, *prima facie* discloses that the applicant has made victim's life miserable. Notably, victim is minor village girl who was persistently followed on public road. *Prima facie*, there is material to constitute the alleged offence. The story stated by the victim girl has put question-mark about the safety of school going girls. If pre-arrest protection is granted then there are chances of repetition of crime as well as the element of tampering may occur.

6. In the above circumstances, the custodial interrogation is necessary. Hence, application being devoid of merits, stands rejected and disposed of.

JUDGE

Gohane