

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.134 OF 2022

MOHAMAD FURKHAN MOHAMAD YUSUF
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. S. S. Gangakhedkar
APP for Respondent No.1-State : Mr. A. M. Phule
Advocate for Respondent No.2 : Mr. G. S. Shembole
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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 08-04-2022

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.187 of 2021, registered with Mudkhed Police Station, District Nanded, for the offence punishable under Section 354-A, 354-D, 504, 506 of Indian Penal Code, and Section 8, 12 of Protection of Children from Sexual Offences Act.
2. Heard learned Advocate Mr. S. S. Gangakhedkar for applicant, learned APP Mr. A. M. Phule for respondent No.1-State and learned Advocate Mr. G. S. Shembole for respondent No.2. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.

3. The FIR has been lodged by the father of the minor girl. The girl was aged 17 years 06 months on the date of the FIR and used to take education in 12th Standard. She used to attend tuition classes at Mudkhed at another place away from her house. She used to take two wheeler for attending tuition classes. Six months prior to the FIR the girl has told the father that a boy from Muslim community itself was following her on motorcycle and she had given number and he used to do gestures which would outrage her modesty. She had not paid much attention to the said activities and also the father had left that topic in the fear that his daughter would be defamed. However, on 21-10-2021 at about 01.00 p.m., the girl came in frightened condition, and when asked as to why she is behaving like that, she told that when she was as usual going on her two wheeler, the said boy stopped her near railway gate and asked her that she should share her mobile number with him. When she resisted him, at that time that boy told her that she has no knowledge as to who is he and then started forcing her to give her mobile number. When she started the vehicle again, at a distance he was again stopped her and by insisting that she should give mobile number he caught hold her right hand and gave threat.

Informant then started searching the boy and they could find out the motorcycle. The girl identified that person as the same person and when informant asked him as to why he is behaving so with his daughter, the boy rushed towards him and abused him. Because of his said behaviour, the informant and his daughter went to house and made inquiry about the name of the person, he turned out to be the applicant and then they lodged the report.

4. It is to be noted that the informant is aged 21 and he is also taking education. Certainly the behaviour as alleged is deprecable. A boy cannot insist a girl that she should accept his friendship. So also touching her body is also not a desirable act, however, nothing is required to be recovered from the applicant. He has fixed place of abode and while granting interim relief on 10-02-2022, stringent conditions have been imposed that he shall leave Mudkhed immediately and shall not enter in Mudkhed city. He was also directed to give his address where he would reside and also give mobile number to the Investigating Officer as well as mobile number of two his near relatives, and he should share his location with the Investigating Officer. On inquiry, the learned APP has made statement that the applicant is obeying those conditions and he is

daily sharing his location with the Investigating officer. Therefore, taking into consideration these aspects and the stringent conditions, the interim protection granted to the applicant deserves to be confirmed, accordingly it is confirmed. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) The interim protection granted by this Court on 10-02-2022 to the present applicant is hereby confirmed. In other words, in the event of arrest of applicant Mohamad Furkhan Mohamad Yusuf, in connection with Crime No.187 of 2021, dated 22-10-2021, registered with Mudkhed Police Station, District Nanded, for the offence punishable under Section 354-A, 354-D, 504, 506 of IPC, and under Section 8, 12 POCSO Act, he be released on P.R.Bond of Rs.30,000/- with two solvent sureties of Rs.15,000/- each.
- 3) The applicant shall not enter in Mudkhed City District Nanded till further orders and shall provide his address and mobile number to Investigating Officer, and also provide mobile numbers of his two near relatives.
- 4) He should keep his mobile/smart phone On and share the location with the Investigating Officer.
- 5) He shall not tamper with the evidence of prosecution in any manner.
- 6) If the Investigating Officer wants some information from the applicant, he may take those information or have communication with him through video call.

(SMT. VIBHA KANKANWADI)
JUDGE