

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

BAIL APPLICATION NO. 1333 OF 2022

Irfan Wahid Shaikh ..APPLICANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

**WITH
BAIL APPLICATION NO. 1391 OF 2022**

Arif Yousuf Patel ..APPLICANT

VERSUS

State of Maharashtra ..RESPONDENT

**WITH
BAIL APPLICATION NO. 1164 OF 2022**

Aslam Jahangir Sayyad ..APPLICANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

....

Mr. Y.B. Pathan, Advocate for applicant in BA/1333/2022

Mr. G.R. Syed, Advocate for applicant in BA/1391/2022

Mr. S.J. Salunke, Advocate for applicant in BA/1164/2022

Mr. S.P. Sonpawale, A.P.P. for respondent no.1 – State

Mr. N.D. Batule, Advocate for respondent no.2 - victim

....

**CORAM : R.G. AVACHAT, J.
DATE : 30th AUGUST, 2022**

PER COURT :

1. These three application for bail under Section 439 of Code of Criminal Procedure are being decided by this common order since they arise

from one and the same crime. The applicants have been arrested in connection with Crime No. 53 of 2022 registered with Aurad-Shahajani Police Station, Dist. Latur for the offences punishable under Sections 363 and 366A read with Section 34 of the Indian Penal Code and under Sections 11(iv) and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by father of the victim on 02nd April, 2022. The averments in the F.I.R. indicate that a minor daughter (then of 16 years of age) of the informant was kidnapped/abducted by some unknown person for unknown reason. During investigation of the crime it was found that the Accused No.1 had kidnapped/abducted the informant's daughter with a promise of marriage. Both, the applicant and the victim stayed together in a room taken on rent at Latur for three days. Accused No.1 is stated to have already married. It was a case of interfaith emotional involvement.

4. Learned A.P.P. and learned counsel for Respondent no.2 – victim have strong objection to grant the applications. According to them, the offence is serious one. The applicants herein have instigated the main

accused in committing the offence in question. The applicants have assisted the main accused in one or other way. Applicant – Aslam Sayyad drove them from village Aurad Shahajani to Latur while applicant – Irfan provided them tiffin and applicant – Arif Patel is alleged to have accompanied Aslam Sayyad. Learned counsel for the victim would submit that some video clips of the victim have been made viral. Screenshots thereof have been placed on record. They ultimately urged for rejection of the application.

5. Considered the submissions advance. Perused the statement of the victim. It is however, nobody's case that the applicants herein had made the video clips of the victim viral. It is also not known whether those videos are obscene. On investigation, charge-sheet has been filed. The roles played by the applicants herein in the alleged offence, which are described hereinabove, lead this Court to grant them bail.

6. In view of above, the applications deserve to be allowed. Hence I pass the following order :-

ORDER

(I) The bail applications are allowed.

(II) The applicants be released on bail, in connection with Crime No. 53 of 2022 registered with Aurad-Shahajani Police

Station, Dist. Latur for the offences punishable under Sections 363 and 366A read with Section 34 of the Indian Penal Code and under Sections 11(iv) and 12 of the Protection of Children from Sexual Offences Act, 2012, on executing PR. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety in the like amount.

(III) The applicants shall not enter village Aurad Shahajani, Tq. Nilanga, Dist. Latur until conclusion of trial.

(IV) The applicants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD