

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

**ANTICIPATORY BAIL APPLICATION NO.1523 OF 2022**

**SHOHEB RAFIK SHAIKH  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

...  
Mr. Tapan Kishor Sant, Advocate for Applicant  
Mr. N. T. Bhagat, APP for Respondents – State  
Mr. H. F. Pawar, Advocate for Respondent No.3  
...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 30<sup>th</sup> NOVEMBER, 2022**

**PER COURT :**

1. Applicant apprehends arrest in Crime No.0450/2022, registered with Amalner Police Station, Jalgaon, for offence punishable under Sections 354, 504 and 506 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
2. FIR is lodged by mother of respondent No.3/victim, alleging that victim went to shop of applicant at about 10:15 p.m. on 19/09/2022, for purchasing Mosquito Coil. At that time, with evil intentions applicant caught her right hand and told her that he likes her and she should take his phone number so that they can chat on cell phone. Applicant thereby outraged modesty of minor victim.
3. Heard learned advocate for applicant, learned Additional Public Prosecutor for respondents – State and learned advocate for

respondent No.3. Perused investigation papers.

4. Learned advocate for respondent No.3 strenuously opposed application contending that applicant is pressurising the witnesses in crime and non-cognizable case is registered against applicant because of the threats given by him.

5. Considering the allegations made against applicant and on going through the investigation papers, pre-trial custodial detention of applicant is not warranted in the facts of present case. Investigation appears to be almost complete. Applicant was granted interim protection and he has cooperated in the investigation. Application, therefore, deserves to be allowed.

6. Application is allowed by confirming interim order passed by this Court on 14/11/2022. Till filing of charge-sheet, applicant shall not enter the area wherein alleged offence is committed. Applicant shall not, in any manner, pressurise the witnesses and/or tamper prosecution evidence.

**(NITIN B. SURYAWANSHI, J.)**