

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1575 OF 2022

Shaikh Khajabhai Sunnubhai

...Applicant

Versus

The State Of Maharashtra And Others

...Respondents

Mr. H.D. Deshmukh, Advocate for the applicant.

Mr. N.T. Bhagat, APP for Respondent-State.

Ms. Preeti Wankhede, appointed advocate for respondent No. 2.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th DECEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in Crime No. 693/2022, registered with Shevgaon Police Station, Ahmednagar, for the offences punishable under sections 376(2)(f), 2(l), 2(n), 377, 323, 504 of the Indian Penal Code and under sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. Victim is minor daughter-in-law of the applicant. She lodged First Information Report against her husband and the applicant. Serious allegations are levelled against husband about unnatural sex etc. It is alleged in the First Information Report that the present applicant asked the victim to massage him and

press his head. When she refused he moved his hand on her chest and back.

3. Heard the learned advocate for the applicant, learned advocate appointed to represent victim and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. First Information Report is lodged on 29.09.2022. The applicant has allegedly committed offence on 14.09.2022. Husband of victim is already arrested and he is in jail. Applicant claims to be suffering from 42% disability of right upper and lower limb. Victim is presently at her maternal home.

5. Perusal of investigation papers show that the investigation is almost complete. Nothing is to be recovered from the applicant. The applicant has attended the concerned police station and has co-operated in the investigation. Pre-trial custodial detention of the applicant is therefore not warranted in the facts of the present case. The application therefore deserves to be allowed.

6. In the result, the application is allowed by confirming the interim order dated 25th November, 2022.

7. Till filing of charge sheet, the applicant shall attend the concern police station as and when called by the investigating officer. The applicant shall not tamper the prosecution evidence.

8. The learned advocate appointed to represent victim/respondent No. 2 is to be paid Rs. 2500/- by Legal Aid Service Authority, Sub Committee, Aurangabad, within four weeks from today.

[NITIN B. SURYAWANSHI, J.]