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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 248 OF 2022

Mukhtar Mushtaq Multani ... Applicant

Versus

The State of Maharashtra and Anr. ... Respondents

Mr. R. D. Suryawanshi for the Applicant.

Mr. Y. Y. Dabke, APP for the State.

Mr. Vivek N. Arote for the Respondent No.2.

Mr. G. R. Rathod, P.S.I., Chandwad Police Station, Nashik (Rural).

CORAM : VINAY JOSHI, J.

DATE : 19th APRIL, 2022

P.C. :-

. Apprehending arrest in Crime No. 612 of 2021 registered with Chandwad Police Station, District Nashik for the offences punishable under Section 376 of the Indian Penal Code, Sections 4 and 8 of the Protection of Children from Sexual Offences Act (for short 'POCSO Act') the applicant is seeking for pre arrest protection.

2. At the instance, report lodged by the victim-girl aged 17 years crime has been registered. She stated that the applicant was known to her as they relates to each other. Somewhere in the month of October 2021, the applicant came to her house in the afternoon and made indecent advances. Though, she resisted, he had a sexual physical relations with her. The victim said that the applicant also threatened for dire consequences and hence she had not reported the matter at the earliest.

3. The applicant's learned counsel would submit that both were related to each other and had love affair. The applicant though denied the act of physical intercourse, however, conceded that the relationship was going on. In order to substantiate said contention, the applicant has produced copies of Whatsapp chat exchanged in between them and some photographs of both of them showing intimacy. The said material *prima-facie* supports the applicant's stand about relationship.

4. The victim was at the verge of majority. The investigation is practically complete. There is no possibility of having medical evidence, since, FIR was lodged after one month. Having regard to all these facts, there is no purpose in detaining the applicant in jail as trial will take its own time for disposal. The purpose would suffice, if some conditions are imposed. In view of that following order :-

ORDER

- (a) The Application stands allowed.
- (b) The applicant namely Mukhtar Mushtaq Multani is released on bail in connection with Crime No. 612 of 2021 registered with Chandwad Police Station, District Nashik for the offences punishable under Section 376 of the Indian Penal Code, Sections 4 and 8 of the POCSO Act, on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall attain concerned police station on every Sunday between 10:00 a.m. to 12:00 noon for the period of three months from today.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

[VINAY JOSHI, J.]