

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

ANTICIPATORY BAIL APPLICATION NO. 851 OF 2022

Khalid Ikbal Shaikh

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Priyal G. Sarda, for the Applicant.

Mrs. J. S. Lohokare, APP for the Respondent-State.

Mr. Akshay Deshmukh, for the Complainant.

API Shashank S. Kadam, Pimpri Police Station present.

**CORAM : C.V. BHADANG, J.
DATE : 5 APRIL 2022**

P.C.

. The Applicant, apprehending arrest, in connection with investigation of Crime No.93/2022 of Police Station Pimpri, Pimpri Chinchwad, Pune, under Section 354 and 506 of IPC and Section 11 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 16 February 2022 lodged by the grandmother of the victim girl. The victim is stated to be aged about 13 years.

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3. According to the prosecution, the Applicant who is the neighbour of the informant had gone to her house when the child was alone and had pulled her and kissed her on the forehead and thereby outraged her modesty.

4. I have heard the learned counsel for the parties. Perused record.

5. The learned counsel for the Applicant has submitted that there is a dispute between the mother of the victim and the informant who is the grandmother and out of that the present complaint is filed. He pointed out that an affidavit is sworn by the mother before the learned Sessions Judge that the complaint was lodged out of misconception.

6. During the hearing, yet another dispute has surfaced. It is submitted by the learned counsel for the informant that mother of the victim is having illicit relations with the Applicant and that is the reason why the mother has sworn an affidavit in favour of the Applicant.

7. In my considered view, there are allegations and counter allegations made by the parties against each other. However, at this stage, the considerations has to be confined to examine the prayer for grant of anticipatory bail, in the context of the

requirement for custodial interrogation. Looking to the nature of allegations, I do not find that custodial interrogation of the Applicant is warranted.

8. Learned APP has expressed apprehension of the harassment of the child and the witnesses as the Applicant is the neighbour.

9. Faced with this, the learned counsel for the Applicant submitted that the Applicant will stay outside the jurisdiction of Police Station Pimpri till conclusion of the investigation and filing of the chargesheet.

10. In my considered view, the apprehension can be taken care of by imposing appropriate conditions.

11. In the result, the following order is passed.

ORDER

- (i) In the event of his arrest, in connection with investigation of Crime No.93/2022 of Police Station Pimpri, Pimpri Chinchwad, Pune, the Applicant Khalid Ikbal Shaikh, be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.
- (ii) The Applicant shall report to the Investigating Officer once in every month i.e. on

first Monday and as and when required and shall cooperate with the Investigating Agency.

(iii) The Applicant shall not make any attempt to contact the informant or any other prosecution witnesses and shall not otherwise tamper with the prosecution evidence / witnesses.

(iv) The Applicant shall not enter the jurisdiction of Police Station Pimpri except for purpose of attendance till filing of the chargesheet.

(v) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(vi) The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.