

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

**ANTICIPATORY BAIL APPLICATION NO. 1120 OF 2018
AND
ANTICIPATORY BAIL APPLICATION NO. 1121 OF 2018**

Sufiyan Abdul Qavi Khan

..Applicant

v/s.

The State of Maharashtra & Anr.

..Respondent/s

Ms. Shabnam Latiwala for the Applicant.

Mrs. A.A.Takalkar, APP for the Respondent-State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 11th APRIL, 2022.**

P.C.

1. These applications under Section 438 Cr.P.C. are for pre-arrest bail in C.R.No.90 of 2018 for the offences under Section 323, 324, 326, 504 r/w. 34 of Indian Penal Code, and in Crime No. 91 of 2018 for offences under Section 509 of Indian Penal Code with Section 12 of POCSO Act, registered at Vinoba Bhave Nagar Police Station.

2. Heard Ms. Latiwala, learned Counsel for the Applicant and Ms. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. It is the case of the prosecution that on 16.03.2018, while the minor child was returning home, the Applicant herein made some comments and sexually harassed the minor child. Again on 19.3.2018,

he followed her and as such there was a scuffle between the Applicant and the brother of the victim. It is stated that the Applicant abused the brother of the victim and assaulted him with a glass from the nearby sugarcane stall. Hence, pursuant to the complaint lodged by Shahbaz Shah- brother of the victim, crime No. 90 of 2018 came to be registered against the Applicant. Whereas, pursuant to the FIR lodged by Hamidunissa Shaikh- mother of the victim, crime No. 91 of 2018 came to be registered against the Applicant.

4. The records indicate that the Applicant was granted Interim bail in both these crimes. The Applicant has reported to the Investigating Officer and chargesheet in respect of Crime No.91 of 2018 has been filed. As regards crime No.90 of 2018, the role attributed to the Applicant is that he had assaulted the Complainant with drinking glass. Prima facie, there is no material on record to indicate that the Applicant was involved in inflicting any grievous injury to the Complainant. Even otherwise, investigation is completed and the presence of the Applicant is not required for custodial interrogation.

5. Considering the above facts and circumstances, in my considered view this is a fit case for grant of pre-arrest bail. Hence, the Applications are allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R.No.90 of 2018 and C.R.No. 91 of 2018, registered at Vinoba Bhave Nagar Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/-

(Rupees Twentyfive Thousand Only) **in each case**, with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall not interfere with the victim and/or the witnesses in any manner.

(iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

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(ANUJA PRABHUDESSAI, J.)