

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

ANTICIPATORY BAIL APPLICATION NO. 2345 OF 2022
WITH
INTERIM APPLICATION (ST) NO. 14663 OF 2022

Salman Munaj Shaikh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Dr. Uday Warunjikar a/w. Sonali Chavan for the Applicant.

Ms. S.S.Kaushik, APP for the State.

Ms. Ayodhya Patki i/b. Nitesh Bhutekar for the Intervenor.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : 26th AUGUST, 2022.

P.C.

1. At the outset, leave granted to amend the cause title as to implead the victim as party Respondent No.2. Amendment to be carried out forthwith.

2. The Applicant herein has sought pre-arreste bail apprehending his arrest in Crime No. 5246 of 2022 registered at Kondhawa Police Station, Pune City for offences under Section 376 of IPC and under Section 4, 8 and 12 of Prevention of Children from Sexual Offences Act.

3. Heard Dr. Warunjikar, learned Counsel for the Applicant, Learned APP for the State and Ms. Patki, learned Counsel for the

Respondent No.2.. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

4. The records indicate that the Applicant was engaged to the victim girl, and they were to marry after the victim completed age of 18 years. The victim claimed that sometime in the month of April 2022, the Applicant came to her house and took her out. She claims that he had sexual intercourse with her against her wish and without her consent by stating that they were already engaged. The victim has stated that the marriage was subsequently called off as they learnt that the Applicant had sexual relationship with many other girls. Hence, she lodged FIR on 29.5.2022, pursuant to which the aforesaid crime came to be registered .

5. It is to be noted that even prior to this FIR the mother of the Applicant had also lodged complaint against the victim and her family stating that the marriage was called off since they had learnt that the victim was friendly with some one else. The mother of the Applicant had stated that they had demanded all the valuables which were given to the victim girl at the time of the engagement. The mother of the Applicant had complained that the maternal aunt of the victim had threatened to implicate them in false rape case.

6. Learned Counsel for the Respondent No.2 under instructions states that the Respondent No.2 and her mother have no objection for grant of bail. She has stated that there were differences between the parties, which had resulted in filing the said complaint.

7. Considering the above facts and circumstances, in my considered view, this would be a fit case for grant of pre-arrest bail. Hence the order:-

(i) In the event of arrest of the Applicant in Crime No. 5246 of 2022 registered at Kondhawa Police Station, Pune City, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;

(ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall not interfere with the victim and her family members.

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

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

. Application stands disposed of.

. Interim application stands disposed of in view of disposal of Anticipatory bail application.

(ANUJA PRABHUDESSAI, J.)