

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2494 OF 2022

Yusuf @ Langda Sardar Shaikh	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Sahil A. Tejawani for Applicant.
Ms. Geeta P. Mulekar, APP for Respondent-State.

CORAM : NITIN W. SAMBRE, J.
DATE : SEPTEMBER 13, 2022

P.C. :

The applicant is seeking pre-arrest bail in Crime No.147 of 2022 registered with Wakad Police Station, Pune for the offence punishable under Section 370(3) read with Section 34 of the Indian Penal Code and Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956. His earlier bail application with the similar prayer was rejected by this Court on 21.04.2022 by a reasoned order. Subsequent thereto, after the charge-sheet was filed, the applicant approached the Sessions Court afresh and the Sessions Court on 25.07.2022 has rejected the prayer for grant of pre-arrest bail.

2. The contentions of the counsel for the applicant are-
 - a. when the earlier pre-arrest bail was rejected by this Court, the charge-sheet was not available, and as such, the evidence against the applicant was not before the Court;
 - b. that the police had tried to misguide the Court below thereby incorrectly stating about the suppression of antecedents;
 - c. that the victims have not named the applicant in the commission of offence in question; and
 - d. the witnesses are from outside the locality.
3. As far as the aforesaid contentions are concerned, the Sessions

Court in categorical terms has observed that the identity of the applicant is based on his physical deformity and as such his involvement in the offence in question was *prima facie* noted. As far as the contention that the witnesses are from outside the locality is concerned, the said can be looked into at the time of trial.

4. This Court while rejecting the earlier bail application on 21.04.2022 has noted in the observations that the applicant is having similar type of antecedent.

5. In the aforesaid background, if we appreciate the material collected and placed before this Court in the form of charge-sheet, *prima facie*, in my opinion, the custodial interrogation of the applicant as claimed by the investigating officer is quite justified.

6. That being so, no case for bail is made out. The application, as such, fails and stands rejected.

(NITIN W. SAMBRE, J.)

Minal Parab