

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.532 OF 2022

Shaikh Saqlain Shaikh Salim

Versus

State of Maharashtra, through P.S.O., P.S. Chikhli, Dist. Buldhana and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.D. Karode, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.490 of 2022, dated 03.06.2022, registered with Police Station Chikhli, District: Buldhana, for the offences punishable under Sections 376, 504 and 506 of the Indian Penal Code and Sections 4 and 12 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act").

2. Shri R.D. Karode, learned counsel for the applicant submits that there was a love affair between the applicant and the victim and the alleged offence is the outcome of the same.

3. He submits that considering the allegations made in the First Information Report (FIR), custodial interrogation of the applicant is not necessary and therefore, he prays for grant of pre-arrest bail.

4. On the other hand, Shri Sirpurkar, learned APP strongly opposes the present application and submits that the offence is very serious. The victim was 17 years old at the time of alleged incident. He further points out that the applicant has been continuously pressurizing and threatening the family of the victim and even on 24.05.2022, he forcibly entered into the house of the victim and slapped her.

5. He therefore, submits that if the applicant is released on bail, he may pressurize the prosecution witnesses and in that case, there will be no fair investigation of the trial. Accordingly, he prays for rejection of the present application.

6. I have perused the Case Diary and FIR.

7. In this case, though *prima facie* it appears that there was a love affair, considering the age of the victim and the conduct of the applicant thereby threatening and pressurizing the family of the victim. Further considering the incident of beating the victim, I am of the opinion that, as the offence is serious and investigation is going on, if the applicant is granted pre-arrest bail, he may pressurize the victim and the family members of the victim. In the circumstances, I am not inclined to grant bail. Accordingly, I pass the following order:

The criminal application is **rejected**.