

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

CRIMINAL APPLICATION (ABA) NO. 754 OF 2022

Juber Kha Ashif Kha .Vs. State of Maharashtra 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 V.B. Bhise, counsel for the applicant.

Shri V.A. Thakre, A.P.P. for the non-applicant No.1/State.

Mrs. Shilpa P. Giratkar, counsel (appointed) for non-applicant No.2.

CORAM : ANIL S. KILOR, J.

DATED : 23/11/2022

1. Heard.
2. The applicant is seeking anticipatory bail in connection with Crime No. 412/2022 registered with Police Station Shegaon City, District Buldhana for the offences punishable under Sections 376(2)(n) and 506 of the Indian Penal Code.
3. In this case, even if the allegations made in the FIR are taken on its face value, it can be seen that, there were consensual physical relations between the applicant and the victim.
4. Considering the above referred fact, I am of the opinion that, custodial interrogation of the applicant is not necessary. In the circumstances, though the learned APP and learned counsel for the non-applicant No.2/victim are strongly opposing the present application, I pass the following order:

- a) The criminal application is **allowed**.
- b) The order granting *ad interim* anticipatory bail dated 21/10/2022, is hereby confirmed.
- c) The applicant shall attend the concerned police station as and when his presence is required.
- d) Fees of the learned counsel for the non-applicant No.2 is quantified as per Rules.

JUDGE