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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.41 OF 2023

Zishan Rafiq Deshmukh

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO.42 OF 2023

Rizwan Lalmohammad Jahagirdar @
Rizwan Lalmohammad Shaikh

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO.43 OF 2023

Juned Anwar Shaikh @
Juned Annu Jahagirdar and Another

APPLICANTS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Pratik A. Bhosle, Advocate for the applicants
Mr. A. V. Deshmukh, APP for respondent - State
Ms. Shital Pujari, Advocate for respondent No.3 (appointed)

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th FEBRUARY, 2023

ORDER :

1. The applicants apprehend their arrest in Crime No. 291 of 2021 registered with Shrirampur City Police Station, Shrirampur, District – Ahmednagar for offence punishable under sections, 143, 147, 354, 354-A, 323, 506, 504 of the Indian Penal Code and under section 12 of the POCSO Act.
2. FIR is lodged by Kamal Dnyaneshwar Dasare alleging that on 19th May, 2021, at about 3.00 p.m. accused Jahir, Fardin, Nurshida, along with 7 to 8 persons came in the field and asked the informant and others to leave the field. When the informant and others tried to give understanding to the accused persons, one of the accused caught hold of right hand of her daughter and pulled her dupatta. The informant was pulled down and accused persons outraged her modesty.
3. Heard learned advocate for the applicants, learned Additional Public Prosecutor and the learned advocate appointed for respondent No.3. Perused the papers of investigation.
4. Vague and general allegations are levelled against the applicants. No specific overtact is attributed to the applicants. The investigation papers do not reveal that the applicants have played active role in the alleged offence.

5. Taking into consideration the fact that civil dispute is pending between the parties, this Court has granted anticipatory bail to accused Fardin and Jahir, against whom allegations of commission of offence punishable under section 354 of the Indian Penal Code are levelled.

6. The applicants were granted interim protection and they have co-operated in the investigation. Nothing is to be recovered from the applicants. Pre-trial custodial detention of the applicants, in the facts of the present case, is not necessary.

7. In the result, the applications are allowed. In the event of arrest of the applicants in Crime No. 291 of 2021 registered with Shrirampur City Police Station, Shrirampur, District – Ahmednagar for offence punishable under sections, 143, 147, 354, 354-A, 323, 506, 504 of the Indian Penal Code and under section 12 of the POCSO Act, they be released on furnishing Personal Bond of Rs.15,000/- each with one surety in the like amount. Till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the Investigation Officer. The applicants shall not tamper prosecution evidence.

8. Fees payable to the learned advocate appointed for

respondent No.3 is quantified at Rs.2500/-, to be paid by Legal Services Authority, Sub Committee, Aurangabad, within a period of four weeks.

[NITIN B. SURYAWANSHI]
JUDGE

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