

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.731 OF 2023

**IMRAN WASIMODDIN FAROOQUI @ FAROOQUI MOHD. SHAFI
IMRAN S/O. WASEEMODDIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. G. A. Kulkarni, Advocate h/f Mr. D. R. Deshmukh, Advocate for the applicant
Mr. S. N. Morampalle, APP for the respondent/State
Mr. R. M. Gaikwad, Advocate for respondent No.3 (appointed)

**CORAM : R. M. JOSHI, J.
DATE : 14th JULY, 2023**

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 118/2023 registered with Selu Police Station, Dist. Parbhani for the offences punishable under Section 354 of IPC and Sections 8 and 12 of Protection of Children from Sexual Offences Act.

2. On 10th April, 2023 a report came to be lodged by victim girl in respect of incident occurred on 5th April, 2023. She claims that while she was traveling in the bus along with her elder sister present applicant misbehaved with her and touched her inappropriately. It is further stated in the report that the said person was questioned about the same by the conductor of the bus and fellow passengers. The bus was brought to the

bus Depot and at that time it is alleged that the said person caught hold of the shirt of conductor and mob gathered at the spot. She further states that police came to the spot and women police personnel took her to the police station. She further states that as she was scared she did not lodge report immediately.

3. Learned counsel for the applicant states that this report is than after thought and by way of counter blast to the report lodged by the police personnel in respect of the incident occurred on 5th April, 2023 wherein the present applicant was beaten by the conductor of the bus and other person. It is submitted that in order to save themselves now at the behest of victim girl the present report is lodged.

4. Learned APP and learned counsel for the informant states that as the girl was scared to lodge report she did not lodge report immediately. It is further submitted by the counsel for the victim that her father had been to Mumbai and therefore delay caused in lodging the report is duly explained.

5. One can understand that minor girl may be scared in lodging report against the culprit however it does not stand to any reason as to why the police personnel who were present at the spot and though the

victim was taken to the police station no report came to be lodged. This is not the case where there is only delay in lodging of the FIR by the informant against present applicant, but admittedly a report was lodged by the police personnel in respect of the incident occurred on 5th April, 2023 in which the applicant was beaten by conductor of the bus and other persons. In such circumstances, this Court has reason to accept the submission made on behalf of the counsel for the applicant that in order to save themselves present report may have been lodged at the instance of the informant herein. Having regard in these facts and also considering fact that it is not a case wherein any custodial interrogation of the applicant would be necessary, application is allowed in terms of interim order dated 11th May, 2023. Applicant not to contact the victim girl in any manner directly or indirectly or in any manner whosoever.

6. Fees of the appointed counsel is quantified Rs. 6,000/- and it is to be paid by the High Court Legal Services Authority, Sub Committee, Aurangabad.

(R. M. JOSHI, J.)

ssp