

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

ANTICIPATORY BAIL APPLICATION NO.800 OF 2023

SHAIKH MITHU @ SHAIKH CHAND S/O AFZAL SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. J. V. Deshpande
APP for Respondents: Mr. V. S. Badakh
Advocate for informant to Assist APP: Mr. D. R. Gavhad

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CORAM : R.M. JOSHI, J

DATE : JULY 12, 2023

PER COURT :

1. Applicant is aged about 67 years whereas informant is also of the same age. It is alleged in the FIR that they had friendship. Applicant apprehends arrest on the basis of information given by the informant on 25.04.2023. On the basis of which offence came to be registered i.e., C. R. No. 154/2023 with Phulambri Police Station, Dist. Aurangabad for the offences punishable under Sections 376(2)(n), 452 of IPC and Sections 66(E) & 66(A) of the Information Technology Act.

2. Informant claims that she had friendship with the Applicant and alleges that he had established

forcibly physical relationship with her. It is also alleged that without her knowledge video was recorded of the physical relationship between them.

3. Learned Counsel for the Applicant states that it is the case of consensual relationship if at all the contention of the informant is accepted. It is further contended that the Applicant had surrendered his mobile phone to the investigating officer.

4. Learned APP though states that it is not fit case for grant of anticipatory bail, however, he was unable to show from the investigation papers any material indicating that the present Applicant had made video recording viral.

5. In the light of the aforesaid facts, contention of the Applicant that this could be a case of consensual relationship deserve to be accepted. In view of this, application is allowed by confirming order dated 18th May, 2023. Applicant need not to attend concerned police station as per order dated 18th May, 2023. It is open for the investigating officer to call

upon Applicant after issuing notice. Applicant to attend police station on receipt of such notice.

(R.M. JOSHI, J.)

Malani