

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 822 OF 2023

Shaikh Yunus Shaikh Lal

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. M. P. Kale, Advocate for the applicant.

Mr. S. N. Morampalle, APP for the State.

Mr. V. P. Kadam, Advocate for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 17th JULY, 2023.

PER COURT :

1. Here is the case wherein a 13 years old girl was sexually abused by applicant who is aged 50 years. Learned counsel for the applicant states that it is a case of false implication owing to the financial transaction between the parties. It is further argued that there was some incident occurred in which alleged witness to the present incident had assaulted the applicant and the present First Information Report is lodged by way of counter blast to the said incident. It is also submitted that custodial interrogation of the applicant is not necessary and that he cannot be kept in custody by way of pre-trial punishment.

2. Learned APP and learned counsel for the victim opposed the contention by stating that there is no reason for false implication of the present applicant and having regard to the nature of offence, it is not a fit case for grant of anticipatory bail.

3. There is no inordinate delay in lodging present First Information Report. Applicant was unable to show as to what could be possible reason for his false implication in the crime in question. As against this, material on record suggests that apart from the statement of victim girl, there are two witnesses who immediately reached to the spot after hearing shouts of the victim. Needless to say that the offence in question is serious in nature. Having regard to the age of the applicant and the age of the victim, this could not be treated as a case for grant of anticipatory bail. Hence, application is rejected.

(R. M. JOSHI)
Judge