

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

ANTICIPATORY BAIL APPLICATION NO.917 OF 2023

NOMAN RAZA JALIS AHMED ANSARI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. S. A. Kulkarni
APP for Respondent No. 1: Mr. S. P. Sonpawale
Advocate for Respondent No. 2 : Mr. J. S. Jain
(appointed)

...

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 04, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 303 of 2023 registered with Shahada Police Station, Dist. Nandurbar for the offences punishable under Sections 354(D) of the Indian Penal Code and Sections 11 and 12 of the Protection of Children from Sexual Offences Act.

2. Informant claims that on 11.05.2023 while she was going along with her friends for movie present Applicant followed her and passed comments against her and time and again he was trying to talk to her. In respect of the said incident, report came to be lodged on 20. 05.2023.

3. Learned Counsel for the Applicant states that there is unexplained delay in lodging of the FIR and hence, the possibility of false implication cannot be ruled out.

4. Learned Counsel for Respondent No. 2 and learned APP opposed the application by referring to the statements of victim and witnesses. It is also submitted that the delay is explained in the FIR itself.

5. There is no denial of the fact that the alleged incident has occurred on 11.05.2023 whereas the report is lodged after nine days thereof. The reasons recorded by learned Additional Sessions Judge for rejection of the anticipatory bail is not acceptable. There cannot be presumption that if the anticipatory bail is granted, the Applicant, who has no criminal antecedents, he himself will involve in commission of cognizable offence. This is the only reason for denial of anticipatory bail. Needless to say that there is no recovery involved in the case. Applicant is young aged person with no criminal history. Apprehension of the

informant can be taken care by imposing appropriate conditions.

6. In view of above, application stands allowed by confirming order dated 14th June, 2023 with a condition that Applicant to attend concerned police station once in fortnight till filing of charge-sheet.

7. Fees of Mr. J. S. Jain, learned appointed Counsel, is quantified @ Rs. 6,000/- to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(R.M. JOSHI, J.)

Malani