

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

ANTICIPATORY BAIL APPLICATION NO.946 OF 2023

SHAQUIB (SAQUIB) IMRAN SHAIKH
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Y. H. Jadhav
APP for Respondents: Mr. G. O. Watamwar
Advocate for Respondent No. 2: Mr. J. S. Jain
(appointed)

...

CORAM : R.M. JOSHI, J

DATE : JULY 03, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 134 of 2023 registered with Jalgaon City Police Station, Dist. Jalgaon for the offences punishable under Sections 354-D, 500 of IPC and Section 12 of POCSO Act.

2. Learned Counsel for the Applicant states that having regard to the nature of allegations in the first information report, offences punishable under Sections 354(D) of IPC and Section 12 of the POCSO Act do not get attracted.

3. Learned APP and learned appointed Counsel for Respondent No. 2 states that even otherwise offence is

punishable under provisions of Section 509 of IPC and Section 67 of the I.T. Act.

4. *Prima facie* perusal of the first information report shows that there is substance in the contention of the learned Counsel for the Applicant about non applicability of offences punishable under Section 354(D) IPC and 12 of POCSO Act. Even if the offences as contended by learned APP and learned Counsel for informant are made out, they are bailable offences. Hence, application deserves to be allowed.

5. Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicant in connection with with C.R. No. 134 of 2023 registered with Jalgaon City Police Station, Dist. Jalgaon for the offences punishable under Sections 354-D, 500 of IPC and Section 12 of POCSO Act, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (ii) He shall attend the concerned police station as and when required.
- (iii) He shall not contact the prosecutrix directly or indirectly.
- (iv) He shall not interfere with the evidence in

any manner whatsoever.

- (v) He is further directed to cooperate the investigating agency for further investigation.
- (vi) Fees of the appointed Advocate Mr. J. S. Jain is quantified at Rs. 6,000/- (Rupees Six Thousand Only) to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(R.M. JOSHI, J.)

Malani