

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

BAIL APPLICATION NO.1653 OF 2023

**SHAIKH ANIS SHAIKH YUNUS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicant : Mr. Shekade Shashikant E
A.P.P for Respondent/State : Mr. S. P. Tiwari
Advocate for Respondent No.2 : Mr. R.C. Bramhankar
(appointed Through Legal Aid))

...

CORAM : S. G. MEHARE, J.

DATE : 19.10.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for the State and the learned counsel for respondent no.2.
2. The applicant seeks bail in Crime No. 348 of 2023 registered with Police Station Hingoli (City), District Hingoli for the offence punishable under Sections 143, 147, 148, 149, 354, 324, 326, 336, 504, 506 of the Indian Penal Code and under Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The alleged incident happened on 23rd April 2023. The applicant has been arrested on 2nd June 2023. It has been alleged that the applicant assaulted the injured with an iron rod.

4. The learned counsel for the applicant submits that the complainant and her relatives also assaulted him and counter report has also been lodged. The alleged weapon used in the crime has been recovered. The investigation has been completed. Hence, bail is prayed.

5. The learned counsel for the victim has opposed the application. He would submit that the accused assaulted the injured seriously. Accused/applicant has lodged a report after six days of the alleged incident, only to counter the allegations. The applicant is aggressive. He has outraged the modesty of a child of 12 years. The victim and her family have the apprehension at the hands of the applicant. Hence, he may not be granted bail.

6. The learned A.P.P opposed the application and supported the arguments advanced by the learned counsel for the victim,

7. It seems that there was a quarrel, the weapon was used and the first informant was injured. After the arrest of the applicant, weapon allegedly used in the crime has been recovered. Injured has been discharged. There is no danger to the life of the injured. The applicant is languishing in jail for a sufficient period. The trial may take its time to conclude. Considering the facts and circumstances of

the case, it is unjustified to keep the applicant behind bar. Hence, the order :-

ORDER

- (i) The application is allowed.
- (ii) Applicant, Shaikh Anis S/o Shaikh Yunus, be released on bail on furnishing P. B. and S.B. of Rs. 50,000/- (fifty thousand) with one solvent surety of the like amount, in aforementioned crime registered with aforementioned police station, on the following conditions :-
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the victim, injured and her relatives till conclusion of the trial.
 - (c) He shall attend the concerned police station on last Thursday of each month between 10.00 a.m. to 01.00 p.m. for a period of two months from the date of his release.
- (iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fees to the learned counsel appointed for respondent No.2/victim, as per schedule.

(S. G. MEHARE)
JUDGE