



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

ANTICIPATORY BAIL APPLICATION NO. 1712 OF 2023

Sachin Laxman Malik

VERSUS

The State Of Maharashtra And Another

Mr. A. S. Sawant, Advocate for the applicant

Mr. M. K. Goyanka, APP for the respondent/State

Ms. Sayali Tekale, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 13th DECEMBER, 2023

P.C. :-

1. Respondent No.2 is served. Today respondent No.2 is absent. In view of this, Ms. Tekale, learned counsel is appointed to represent respondent No.2. Learned counsel for the applicant to provide copy of application with annexures to the appointed learned counsel.

2. Applicant apprehends arrest in connection with Crime No. 262/2023 registered with MIDC Police Station, District Aurangabad for the offences punishable under Sections 354-A, 354-D, 294-B, 506 of IPC and Section 12 of POCSO Act.

3. First informant claims that the applicant is her employer and he used to call upon her to keep relationship with him. When she refused to do so he threatened her. On 1st June, 2023 the mother of the informant

called the applicant to question him about the incident, he abused both of them. Hence report came to be lodged.

4. Learned counsel for the applicant submits that charge-sheet has been filed and nothing is to be recovered at the instance of applicant. It is further submission that the applicant had questioned the informant about coming late to the office and since then the informant did not attend the office and now the report is lodged.

5. Learned counsel for the informant opposed the application by citing a seriousness of the crime. According to her it is the crime against the woman. She also drew attention of the Court to the observation made by the Addl. Sessions Judge by rejecting the application wherein it is observed that the applicant was not available for investigation purpose. Learned APP also opposed the application.

6. The incident in question has allegedly on occurred 24th May, 2023 whereas the report is lodged on 3rd June, 2023. The allegation is about the applicant abusing informant and her mother over the phone gets no support from the Investigation papers. Is is shocking that Investigating Officer has not even bothered to obtain CDR of the mobile phones of the applicant and mother of the informant in order to establish exchange of such call between them. On the other hand applicant was able to prima

facie place on record that the informant was not reporting to the office in time and hence she was questioned about it. Thus, there is substance in the contention of the learned counsel for the applicant that this could be a case of false implication owing to the said questioning. In any case now charge-sheet has been filed. No custodial interrogation of the applicant is necessary. Hence the application is allowed in terms of interim order dated 12th October, 2023. Since charge-sheet is filed the condition of attendance stands cancelled.

7. Fees of the appointed counsel is quantified Rs. 6000/- and it is to be paid by the High Court Legal Services Authority, Sub Committee, Aurangabad.

(R. M. JOSHI, J.)

ssp