



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

933 BAIL APPLICATION NO.1912 OF 2023

AKRAM KHAN AMANULLAH KHAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr.Chatterji Joydeep
APP for Respondents/State : Mr.A.S.Shinde
Advocate for Respondent No.2 : Mr.Balkhande Prakash V.

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CORAM : S.G. CHAPALGAONKAR, J.

DATE : 11.12.2023.

PER COURT :

1. The applicant seeks regular bail in connection with Crime No. 187 of 2023 registered with Savda police station, District Jalgaon, for the offences punishable under sections 354, 354(A)(a)(i), r/w 34 of the Indian Penal Code.

2. The investigation has been set in motion on the basis of information given by the informant herself.

3. In nut shell the allegations in the FIR shows that the victim along with her sister were pursuing their education in the

School which was managed by the applicant and others. It is alleged that the applicant under the pretext of taking measurement for stitching “Nakab” touched the victim with sexual intent and also threatened her to remove from the School in case she disclose such incident to any one. The applicant has been arrested on 14.08.2023. Since then he is behind the bar. The investigation progressed. The charge-sheet has been filed against the applicant and three others, for the offences punishable under Sections 354, 354-A (1) (i) and 34 read with Section 8 and 17 of the Protection of Children from Sexual Offences Act, 2012 (for short the “POCSA” Act). The prayer of the applicant for grant of bail has been rejected by the Special Court vide order dated 17.10. 2023, hence this application.

4. Mr. Chatarji, learned Advocate appearing for the applicant would submit that although the alleged incident took place on 03.08.2023, it is reported on 07.08.2023, as such, there is inordinate delay in lodging the FIR. He would submit that the contents of the FIR itself shows that it has been lodged in consultation of the relatives. He would submit that the applicant is made a scapegoat on account of dispute between

two management groups. He submits that investigation in the matter is almost complete. The offences as alleged in the charge-sheet are punishable with imprisonment upto 5 years. The detention of the application would not be necessary.

5. The learned APP as well as Advocate appearing for the informant vehemently opposed the prayer. They would submit that although Section 8 of the POCSO Act is invoked, looking to the allegations and the position of the applicant as the director of the School Management, offence punishable under Section 9 would attract, which provides for imprisonment of 7 years. They would submit that the victim and the applicant are residing in one and same locality. The applicant is a man of means and is likely to pressurize the victim and other witnesses which may hamper the trial. They would submit that there are 2 criminal antecedents to the discredit of the applicant.

6. Having considered the submissions advanced, apparently the FIR indicates the allegations against the applicant and they would constitute the offences as incorporated in the charge-sheet. It is not in dispute that the

investigation is complete and the charge-sheet is filed. The applicant is behind the bar for almost 4 months. The offences as alleged in the charge-sheet are punishable with imprisonment upto 5 years. It is therefore, necessary to see that the applicant would be available for trial and his release would not create any hurdle in smooth prosecution. There cannot be any other object to continue the detention of the applicant. In present case possibility of absconding of accused/applicant can not be presumed. Necessary conditions to protect the interest of prosecution can be imposed.

7. Although it is submitted on behalf of the prosecution that the applicant resides in the same locality, he may pressurize witnesses. The apprehension of the prosecution can be taken care by putting appropriate conditions on the applicant. However, for any such reason the applicant need not be continued in detention. Hence the case is made out for grant of bail on certain conditions. Hence the order :

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant – Akram Khan Amanullah Khan be

released on bail in connection with Crime No. 187 of 2023 registered with Savda police station, District Jalgaon, for the offences punishable under sections 354, 354(A)(a)(i), r/w 34 of the Indian Penal Code. on his furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand), on the following conditions :-

- a) The applicant shall not tamper the prosecution evidence.
- c) The applicant shall not enter within the limits of Municipal Counsel, Sauda, Tq. Raver, District Jalgaon, till the conclusion of the trial and shall co-operate for early disposal of the trial.
- d) The applicant shall furnish the details of his residential address and contact numbers with the concerned Police Station and update the same as and when required.

iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

mahajansb/