

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.10 OF 2023

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Khalid Iqbal Shaikh

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Chaitanya Pa Dixit a/w Mr. Shreyas Barsawade, for
the Applicant.

Mrs Veera Shinde, APP for the State-Respondent No.1.

Ms. Ankita Pawar, for Respondent No.2.

Mr. Shashank Kadam, API, Pimpri police station.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 2, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.0549 of 2022 registered with Pimpri police station, Pune for offences punishable under Sections 354, 341 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC') and Section 11, 12 of the Protection of Children from Sexual Offences, 2012 (for short 'POCSO Act'), the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. The grandmother of the victim lodged report against the applicant alleging that on 14 July 2022, when the victim (aged 12 years) had gone to adjoining shop, the applicant abused her. It is also alleged that the applicant around 3:00 pm on the same day

gestures which had sexually overtones.

3. On perusal of the report, it appears that relations between mother and grandmother of the victim had turned sour. It is alleged that the applicant was in relationship with victim's mother. Proceedings are pending between mother and grandmother of the victim. Earlier similar report was filed against the applicant.

4. This Court by order dated 5 April 2022 in the Anticipatory Bail Application No.851 of 2022 protected the applicant. The informant is same.

5. The applicant states that, he will not enter the vicinity of victim's residence or school and/or the road which being used by the victim to travel from her residence to school. The statement is accepted.

6. The investigating agency completed investigation and filed charge-sheet. This Court by order dated 4 January 2023 protected the applicant. There is no complaint of misused of liberty or breach of conditions. Therefore, the applicant is entitled to relief under Section 438 of Cr.PC. Hence, following order:

a) In the event of arrest of applicant in connection with C.R.No.0549 of 2022 registered with Pimpri police station, Pune for offences punishable under Sections 354, 341 r/w 34 of IPC and Section 11, 12 of POCSO Act, he be released on bail on furnishing P.R. bond of Rs.25,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the trial

Court on each date unless specifically exempted by the Trial Court.

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

f) The applicant shall not enter within the jurisdiction of Pimpri City save and except for his business. He shall be entitled to visit his business place.

7. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)