

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

ANTICIPATORY BAIL APPLICATION NO.126 OF 2023

Bashbhaie Ismile Shaikh ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. M. S. Mulla for the Applicant.
Ms. A. A. Takalkar, APP for the State.
Ms. Sanjivani Sangesh Vhatte, PSI, Jodbhavi Peth Police
Station, district Solapur is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 16, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 363, 366, 376(2)(n), 323 read with Section 34 of the Indian Penal Code, 1860 and under Sections 3, 4 and 17 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'the POCSO Act' for short) in connection with C.R. No.76 of 2022 dated 16/02/2022 registered with Jodbhavi Peth Police Station, Solapur.

3. The victim at the relevant time was 16 years of age. She has stated that she was in a relationship with the accused No.1. The accused No.1 induced the victim to marry her. The victim's mother was against the proposal. The victim ran away from home along with accused No.1. Accused No.1 is stated to be 21 years of age. It is alleged that the present applicant (original accused No.3) visited the applicant and the prosecutrix when they were staying in one hotel. The statement of the victim was recorded on 03/03/2022. The applicant has not been implicated in this statement. After a period of 40 days, the statement of the victim was recorded under Section 164 of the Code of Criminal Procedure i.e. on 13/04/2022. In the said statement the name of the applicant along with his wife is mentioned and the role attributed to them is that they had visited the couple when they was staying at one hotel.

4. Having regard to the nature of the accusations, in the present facts, the custodial interrogation of the applicant is not required. In fact the applicant's wife has been granted regular bail by the Sessions Court. There are no criminal

antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R. No.76 of 2022 registered with Jodbhavi Peth Police Station, Solapur, the applicant-Bashbhaie Ismile Shaikh shall be released on bail on furnishing P.R. Bond to the extent of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the concerned police station on 21/01/2023 and 22/01/2023 between 11.00 a.m. and 2.00 p.m. and thereafter as and when called.
- (d) The applicant to co-operate with the Investigating Officer.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(f) The applicants shall furnish the details of his residential address and phone number to the investigating officer.

5. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)