

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 333 OF 2023

Aftab alias Bablya Rafiq Shaikh ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Ms. Pooja Phagnekar for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 3 MARCH 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 58 of 2022 registered at Yerawada Police Station, Pune for the offences punishable under Sections 366, 323 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the victim, the present applicant used to stalk and harass her. Thus, on 6 September 2020 report was lodged and he was arrested. It is alleged that on the day of incident, which took place on 13

February 2022, while the victim was going for purchasing some food items, the present applicant had caught hold of her hand, told her to accompany him and made her to sit on his motorcycle and while he was taking her away, he got call from his mother who persuaded him to drop her at her parent's house.

5. The learned Counsel for the applicant submits that there was a love affair between the applicant and the victim and they were going to marry each other, however, the family members of the victim were against it. It is submitted that as the applicant, got bail in the earlier crime within very short time and thus, the false allegations are made against the applicant.

6. On the other hand, the learned APP submits that considering the nature of allegations, the applicant may not be released on anticipatory bail.

7. I have perused the papers of investigation. Prima facie, there appears to be substance in the submission of the learned Counsel for the applicant. There is no need of custodial interrogation as nothing is to be recovered at the instance of the applicant. Considering the overall facts and circumstances, I am inclined to release applicant on anticipatory bail. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest of the applicant - Aftab alias Bablya Rafiq Shaikh in Crime No. 58 of 2022 registered at Yerawada Police Station, Pune for the offences punishable under Sections 366, 323 of Indian Penal Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall not enter into the jurisdiction of Yerawada Police Station till conclusion of trial.

(iv) The applicant shall submit his residential address and mobile number to the concerned police station.

(N.R. BORKAR, J.)