

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

ANTICIPATORY BAIL APPLICATION NO.1170 OF 2022

Sou. Nikhat w/o. Iliyas Choudhary ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

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Mr. Ashok B. Tajane for the Applicant.

Mr. S.V. Gavand, APP for Respondent No.1-State.

Mr. Amandeep Sra, appointed Advocate for the Respondent No.2

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th APRIL, 2023.

P. C. :-

1. The Applicant seeks pre-arrest bail in C.R. No.819 of 2021 registered with Sadar Bazar Police Station, Solapur city, for the offences punishable under Sections 312, 376(2)(i), 376(2)(j) and 376(3) of the IPC and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Mr. Tajane, learned counsel for the Applicant, Mr. Amandeep Sra, learned counsel for Respondent No.2 and Mr. Gavand, learned APP for the Respondent No.1-State. I have perused the records and considered the submissions advanced by the learned counsel for

the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the mother of the prosecutrix. The FIR prima faice indicates that co-accused -Kunal sexually abused the daughter of the First Informant, who was below 18 years of age at the time of the incident. The Applicant herein is a medical practitioner. It is stated that the Applicant herein had given some tablets and injections to the prosecutrix and had thereby terminated her pregnancy.

4. Considering the role attributed to the Applicant, this Court (Coram: Vinay Joshi, J.) by order dated 28/04/2022 granted interim protection to the Applicant. Learned APP states that the Applicant has reported to the Investigating Officer and that she has been interrogated. Learned APP has placed on record the report submitted by the Investigating Officer wherein it is stated that investigation has been completed and that presence of the Applicant is not required for the purpose of custodial interrogation.

5. In view of above and considering the nature of accusations, in my considered view this is a fit case to exercise discretion under

Section 438 of the Cr.P.C. in favour of the Applicant. Hence, the application is allowed. Interim protection granted vide order dated 28/04/2022 is hereby confirmed.

6. The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer.

7. The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.

8. The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

9. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)