



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.436 OF 2023

Abdul Hafiz Abdul Majid Vs. State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S. Jagirdar, Advocate for applicant.
Mrs. M.A. Barabde, APP for non-applicant no.1/State.
Shri N.P. Singhania, Advocate for non-applicant no.2.

CORAM : M.W. CHANDWANI, J.

DATE : OCTOBER 07, 2023.

The applicant is apprehending his arrest in connection with Crime No.281/2023 registered with Police Station, Nagpuri Gate, District Amravati for the offences punishable under Sections 354(A), 324, 504 read with Section 34 of the Indian Penal Code, 1860 and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned counsel for the applicant, learned APP for non-applicant no.1/State and learned counsel for the non-applicant no.2/victim. I have perused the case diary.

3. Perusal of case diary goes to show that the applicant is father of co-accused Soheli against whom the allegation of pulling scarf of the minor daughter of the informant is made. It is also alleged in the FIR that when informant went to the house of the applicant to enquire about the incident, at that time, co-accused came there and abused the informant and unleashed knife blow on left wrist

of the informant and also assaulted by means of knife to the relative of the informant namely Abdul Rahim. It is also alleged that the applicant has assaulted the relative of the informant namely Abdul Rahim by means of kick blows. Therefore, the aforesaid offence came to be registered against the applicant and co-accused Soheli.

4. Learned APP on behalf of non-applicant/State vehemently opposed the application on the ground that the applicant has assaulted the relative of the informant, who was trying to pacify them. Therefore, the applicant has no ground for grant of bail and prays for rejection of the application.

5. The allegation of sexual assault to victim girl and knife blow are attributed to the co-accused Soheli, the son of the applicant. The only role attributed to the present applicant he gave kick blows to the leg of the relative of the informant Abdul Rahim. The applicant has no antecedents. Considering the nature of allegation against the present applicant, a case is made out for exercising the discretion in favour of the applicant. By order dated 13.07.2023, the applicant is protected by interim anticipatory bail and there is no case of the learned APP that the applicant did not cooperate as directed by this Court. Hence, I find it is a fit case to confirm the order dated 13.07.2023. Accordingly, the order dated 13.07.2023 is hereby confirmed.

The application is disposed of.

Wagh

JUDGE