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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.275 OF 2024

Mohd Ayazuddin Mohd Giyasuddin

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Namdev D. Kendre, Advocate for the applicant

Mr. S. P. Sonpawale, APP for respondent - State

Mr. Jitendra Jain, Advocate for respondent No.2 (appointed)

.....

AND

ANTICIPATORY BAIL APPLICATION NO.154 OF 2024

Mohammad Gayasuddin Mohammad Azizuddin

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Santosh C. Bhosle, , Advocate for the applicant

Mr. S. P. Sonpawale, APP for respondent - State

Mr. Jitendra Jain, Advocate for respondent No.2 (appointed)

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 2nd MAY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No. 12 of 2024 registered with Bhokar Police Station, District - Nanded for offence punishable under sections 354, 354-D, 341, 506 read with 34 of the Indian Penal Code and under sections 10 and 17 of the Protection of Children From Sexual Offences Act,

2012.

2. Respondent No.3 lodged FIR contending that on 15th January, 2024, while he was at work, his wife made a phone call to him at about 12.30 p.m. and informed that applicant Mohd Ayazuddin has come in front of their house and is threatening to their daughter to throw acid on her face, if she refuses to marry with him. When he reached at his house, applicant Mohd Ayazuddin had left. His daughter told him that prior to four days when she was going to school, applicant Mohd Ayazuddin had stopped her and asked her to marry with him, otherwise he will throw acid on her face. However, due to fear that if she informs said incident to her parents, her school will be closed, she did not inform. Prior to lodging of FIR, applicant Mohd Ayazuddin had molested his daughter. As accused is his close relative, this fact was brought to the notice of applicant Mohammad Gayasuddin, however, he supported his son.

3. Heard learned advocates for applicants, learned APP for the State and learned advocate for respondent No. 3- informant. Perused investigation papers.

4. It is the case of applicants that applicants and informant are related to each other. Earlier also, similar allegations were levelled against applicants and, therefore, compromise was

entered into on 23rd September, 2023, which is signed by applicant Mohammad Gayasuddin and informant.

5. Applicants, therefore, claim that informant was demanding more amount and since the same was refused to be paid by applicants, a false case is lodged against them.

6. Though serious allegations are made in the FIR and allegations of threats given by Mohd Ayazuddin to informant's daughter, are supported by statements of witnesses recorded during investigation, considering the background and the fact that applicants have no criminal antecedents and *prima faice*, possibility of their false implication cannot be ruled out, this Court is inclined to grant relief, on certain conditions. Hence, the following order:

ORDER

- A. Anticipatory Bail Applications are allowed.
- B. In the event of arrest of applicants in connection with Crime No. 12 of 2024 registered with Bhokar Police Station, District - Nanded for offence punishable under sections 354, 354-D, 341, 506 read with 34 of the Indian Penal Code and under sections 10 and 17 of the Protection of Children From Sexual Offences Act, 2012. applicants be released on executing Personal Bond and Surety Bond of Rs.15,000/-

with one surety each in the like amount.

- C. Until further orders, applicants shall stay at Nanded and shall inform their residential address and cellphone numbers to the Investigating Officer and they shall enter in Bhokar Taluka only for the purpose of attended Court proceedings and not for any other purpose.
- D. Applicants shall not tamper prosecution evidence.
- E. Learned advocate appointed for respondent No. 3-informant be paid as per schedule, within four weeks.

[NITIN B. SURYAWANSHI]
JUDGE