



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 390 OF 2024

Imran Faruqh Shaikh

VERSUS

The State Of Maharashtra And Others

- Mr. A. S. Tilve, Advocate for the Applicant
- Mr. P. P. Dawalkar, APP for the Respondent/State
- Mr. Sagar Madake, Advocate for the Respondent No. 3 (appointed)

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 30, 2024

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 33/2024 registered with Begumpura Police Station, Dist. Aurangabad for the offences punishable under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The first information report reveals that the incident had occurred in the intervening night of 07.02.2024 and 08.02.2024. The incident has brought to the notice of his sister i.e., mother of the informant.

3. Learned Counsel for the Applicant submits that

there is delay of two days in lodging of the FIR and considering the affidavit filed by the mother fo the Applicant, it is clear that since she refused to pay Rs. 10,000/- to the informant, her son has been falsely implicated.

4. Learned Counsel for Respondent No. 2 vehemently opposed the application by submitting that there is no substance in the affidavit filed by the mother of the Applicant as if there was some threat given by her brother, there was no question of he coming to the house of the friend along with his son and to stay there. It is his submission that the affidavit is filed only for the reason of supporting the case of the Applicant for anticipatory bail. It his submission that in view of Section 20 of the POCSO Act there is a presumption of commission of crime unless rebutted by the accused.

5. Learned APP also opposed the application.

6. Admittedly in so far as offence under Section 4 of the POCSO Act no charge-sheet has been filed

against the Applicant. Charge-sheet filed against him indicates that offence under Sections 8 and 12 of the At have alleged against him. Even if the contention of the learned Counsel for Respondent No. 2 s accepted, at this stage since the charge-sheet has already been filed, the Applicant cannot be sent to the jail by way of pre-trial conviction. His liberty was protected by this Court by order dated 12.03.2024. Thereafter, he has cooperated in the investigation which has resulted into filing of the charge-sheet. Hence, it is a fit case to allow application. In the result, application stands allowed by confirming interim order dated 12.03.2024.

7. The fees of appointed Counsel is quantified at Rs. 6,000/- (Rupees Six Thousand Only) to be paid by Legal Aid Services Authority, Aurangabad.

(R.M. JOSHI, J.)