

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 408 OF 2024

Samir Shah Jafar Shah

VERSUS

The State Of Maharashtra And Others

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Advocate for Applicant : Mr. Malpani Mohit Rajendra

APP for Respondent/State : Ms. Vaishali S. Choudhari

Advocate for Respondent No.3 : Mr. A. S. Kakade (Appointed)

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CORAM : S.G. MEHARE, J.

DATED : OCTOBER 16, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim appointed through legal aid.
2. The applicant seeks pre-arrest bail in Crime No.682 of 2023 registered with Vaijapur Police Station, District Aurangabad for the offences punishable under Sections 363, 376(2), 354(A) of the Indian Penal Code, Sections 4, 6 and 8 of the Protection of Children From Sexual Offences Act and Sections 3(1)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. The applicant seeks pre-arrest bail on the ground that an old incident was narrated against the applicant that he went to the house of the victim when she was alone at home and caught hold her

hand. Thereafter, she eloped with another co-accused and on that report, the applicant has been arraigned as an accused.

4. The learned counsel for the applicant would submit that considering the solitary allegations, the custodial interrogation of the applicant is not essential. The applicant has no concern with another co-accused. He being belonging to the religion of another co-accused, has been falsely implicated in the crime. He has not committed any offence as such. Hence, pre-arrest bail may be granted to him.

5. The learned APP and learned counsel for the victim would submit that the victim was minor. The applicant had trespassed her house with an intent to commit the crime and he committed the crime of outraging her modesty. Therefore, his custodial interrogation is essential to know what connection he has with the co-accused.

6. Perused the papers. The solitary allegations against the applicant were that he entered the house of the victim when she was alone and caught hold her hand with ill-motive. There are no allegations that the applicant has connection with the co-accused and he has used the weapon. In the circumstances, the applicant deserve pre-arrest bail. Hence, the following order :

ORDER

- (i) Anticipatory Bail Application is allowed.

(3)

(ii) In the event of arrest, Applicant, Samir Shah Jafar Shah, be released on anticipatory bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that ;

(a) The applicant should not contact the victim and enter her house till the trial is concluded.

(b) The applicant should attend the police station for two months from today, if called on written notice by the investigation officer.

(iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad is directed to pay the fees of the appointed counsel for the victim as per schedule.

(S.G. MEHARE, J.)