



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

910 ANTICIPATORY BAIL APPLICATION NO. 1045 OF 2024

Yakub Ahemad Shaikh

..APPLICANT

-VERSUS-

State of Maharashtra

..RESPONDENT

...

Advocate for Applicant : Mr. A.M. Inamdari

APP for Respondent/State: Ms.R.R. Tandale

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 11th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0229 of 2024 registered with Nanalpeth Police Station, Parbhani, for the offences punishable under sections 376, 376(2)(n), 376-B, 313 and 506 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that the victim-informant lodged the complaint with police that the applicant sexually assaulted her on various times. The applicant is police constable.
3. It is contention of learned counsel for the applicant that the informant is major. In F.I.R. she has mentioned that she has relations with other persons. The applicant has been falsely implicated in the crime. The learned counsel further submitted that the informant in her supplementary statement and statement under section 161 of Criminal Procedure Code, has stated that due to misunderstanding she has

filed the complaint against the applicant and her physical relations with the applicant were with her consent. The custodial interrogation of the applicant is not required, hence requested to allow the application.

4. The learned APP fairly submitted that in supplementary statement, the informant has stated that son of the applicant had assaulted her husband, hence she filed complaint against the present applicant under above referred sections.

5. I have heard both the learned counsel. Perused the F.I.R., supplementary statement of informant and the police papers produced on record.

6. Though in F.I.R. informant has alleged about sexual assault by the applicant, but in supplementary statement she has stated as son of the applicant had assaulted her husband hence she lodged the complaint against the applicant and her physical relations with the applicant were with her consent. Informant is major. Considering these aspects, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with FIR No.0229 of 2024 registered with Nanalpeth Police Station, Parbhani, for the offences punishable under sections 376, 376(2)(n), 376-B, 313 and 506 of the Indian Penal Code, the applicant be released on

executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga