



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

976 ANTICIPATORY BAIL APPLICATION NO. 1366 OF 2024

SHAIKH AMAN SHAIKH AHMED

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Shaikh Kayyum Najir

APP for Respondent/State : Mr. M.K. Goyanka

Advocate for Respondent no.2 : Mr. Shaikh Abid R.

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 4th September, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.90 of 2024 registered with Begumpura Police Station, Aurangabad, for the offences punishable under sections 376(2)(N), 376(1), 406, 420, 312, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that the informant and applicant got acquainted with each other through Instagram. Thereafter their friendship developed into love relations and the applicant sexually assaulted the informant on several occasions on the promise of marriage. Thereafter, the applicant refused to marry with the informant.
3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. Informant is major. The relations between the applicant and informant are consensual. The matter is settled between the applicant and informant. Considering the allegations against the applicant, the custodial interrogation of the

applicant is not required and requested to allow the application.

4. It is contention of the learned APP that the applicant sexually assaulted the informant on several occasions on the pretext of marriage. Thereafter, he refused to marry with her. Consent given by the informant on the pretext of promise so it can not be considered as free consent. Considering the allegations against the applicant, the custodial interrogation of the applicant is required and requested to reject the application.

5. It is contention of the learned counsel for respondent no.2 that the matter is settled between the applicant and informant and informant has no objection to allow the application.

6. I have heard all the learned counsel. Perused the F.I.R. and police papers produced on record.

7. The allegations against the applicant are that the applicant sexually assaulted the informant on several occasions on the promise of marriage. It appears that the informant is major and physical relations between them are consensual. Moreover, the informant has no objection to allow the application. Considering these facts, 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.90 of 2024 registered with Begumpura Police Station, Aurangabad, for the offences punishable under sections 376(2)(N), 376(1), 406, 420, 312, 504, 506 read with 34 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.25,000/- 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