



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 ANTICIPATORY BAIL APPLICATION NO. 1619 OF 2024

MUJAHID SHAIKH PASHA

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Rajendrraa Deshmukkh, Senior
Advocate a/w. Ms. Vikhyati Jain i/b. Mr. Deshmukh Devang
Rajendrraa & Mr. Ramankumar Gopal Dodiya
APP for Respondent/State: Mr. S. K. Shirse
Advocate for Respondent No.3 :
Ms. Pooja Kishor Apache (*Appointed*)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 14th DECEMBER, 2024

PER COURT:

1] Heard **Ms. Vikhyati Jain**, learned counsel appearing for the applicant, the learned APP for the respondent-State and **Ms. Pooja Kishor Apache**, learned counsel for respondent no.3 (Complainant).

2] The applicant is apprehending arrest in connection with Crime No.0218 of 2024, dated 29.07.2024, registered at Kinwat Police Station, District Nanded, for the offences punishable under Sections 137, 87, 75(1), 351(2), 3(5) of the Bharatiya Nyay Sanhita (BNS) 2023 & Sections 8, 12, 17 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).

3] It is the case against the applicant, who is 18 years young boy that he along with his three friends by giving threats had

taken girl out on the night on 12.06.2024, in a car, while the other family members of the girl were sleeping. Thereafter, in the moving car the applicant received the phone call from his father that the father of the minor girl is going to lodge the report in the police station. Thereafter, the minor girl was brought to the police station. However, no complaint was not registered as the victim's family did not want to pursue the case because of fear of defamation in the society.

Thereafter, again, on 11.07.2024, at night, it is noted that there were some boys who tried to broke the lock of the gate of the compound of the house and the uncle of the victim had seen the applicant and others who had come on the motorcycle and are trying to enter into the house and, thereafter, they left the motorcycle and ran way. The motorcycle was then taken by the police. Thereafter, the present complaint is lodged.

The learned counsel submits that there has been some relation between the girl and the boy although the girl has now backtracked from the relations and filed the complaint. She further submits that, boy is also young person of 18 years of age and that possibility of relations between two cannot be ruled out.

4] This court by order dated 27.09.2024, granted interim protection to the applicant.

5] The learned APP submits that the victim has stood by her statement under section 164 of Cr.P.C., however, after interim protection granted by this court, there is yet another incident at the instance of the applicant trying to meet the victim.

6] The learned counsel for the applicant submits that there are also settlement talks between the parties.

7] Considering the fact situation, the interim protection granted by order dated 27.09.2024 stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

iv] The applicant shall not visit the place Siddharthnagar, Gokunda, Taluka Kinwat, District Nanded.

v] The applicant shall not contact the informant / victim or any of the witnesses in the case.

8] The applicant is put to notice that in slightest violations of the conditions noted above would entail cancellation of the anticipatory bail granted to him.

9] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application

and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] Ms. Pooja Kishor Apache, learned counsel appointed by this court to represent the cause of respondent no.3, her fees be quantified as Rs.10,000/-

11] The application stands disposed of.

[ARUN R. PEDNEKER, J.]

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