



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 ANTICIPATORY BAIL APPLICATION NO. 1962 OF 2024

MEHBOOB ISMAIL SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Parikrama Khot h/f. Mr. Rohit P. Patil
APP for Respondent/State: Mr. S. P. Sonpawale
Advocate for Respondent No.2 : Mr. Kiran P. Rathod

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CORAM : ARUN R. PEDNEKER, J.
DATE : 16th DECEMBER, 2024

PER COURT:

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with Crime No.176 of 2024, dated 03.08.2024, registered at Bardapur Police Station, Bardapur, District Beed, for the offences punishable under Sections 137(2), 64, 87 of BNS and 4, 8, 12 of the POCSO Act.

3] It is the case of the informant that his daughter aged 17 years 9 months had left the residence of the informant at the instance of the applicant and travelled to Pune and stayed with the applicant. There had been physical relations with her by the applicant on the false promise of marriage and that rape is committed on the victim.

The victim has also given statement under Section 164 of the Cr.P.C., wherein the victim has stated that she has consensual relations with the applicant.

4] Considering the statement of the victim and that at the relevant time she was aged 17 years 9 months, the applicant deserves to be granted anticipatory bail.

5] In view of the above, the application is allowed in the following terms :

i] In the event the applicant is arrested in connection with Crime No.176 of 2024, dated 03.08.2024, registered at Bardapur Police Station, Bardapur, District Beed, for the offences punishable under Sections 137(2), 64, 87 of BNS and 4, 8, 12 & 17 of the POCSO Act, he shall be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

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

iii] 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.

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

v] The applicant shall not visit Renapur, District Latur and Nandgaon, Taluka Ambajogai, District Beed till the conclusion of the trial, except the date of trial and a day before and also on the dates he is called for investigation.

6] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

7] 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.

8] Mr. Kiran P. Rathod, learned counsel appointed to represent the cause of respondent no.2, his fees shall be quantified at Rs.10,000/-

9] The application stands disposed of.

[ARUN R. PEDNEKER, J.]

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