



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO. 1896 OF 2023**

Javed Ibrahim Shaikh

... Applicant

**VERSUS**

The State Of Maharashtra  
And Others

... Respondents

.....  
Smt. Sabahat Kazi h/f Mr. H.V. Tungar, Advocate for Applicant  
Ms. P.V. Diggikar, APP for Respondents – State

.....

**[CORAM : NITIN B. SURYAWANSHI, J.]**

**DATE : 25<sup>th</sup> APRIL, 2024**

**ORDER :**

1. Applicant apprehends arrest in Crime No. 273 of 2023, registered with Wadwani Police Station, District-Beed for offences punishable under sections 376, 323, 506, 452 of the Indian Penal Code.

2. FIR is lodged by prosecutrix alleging that on 05.10.2023, when she was alone in the house accused came there and first inquired about her husband and then tried to outrage her modesty. When she objected by stating that she is mother of three children, applicant did not hear anything and then forcibly committed rape on her. After about two months, on 11.07.2023, he again committed the same act, however,

she did not lodge report out of fear and when she went to her mother's house the applicant again came there and asked her to accompany him.

3. Heard learned advocate for applicant and learned APP for respondents – State.

4. During investigation, WhatsApp messages exchanged between applicant and prosecutrix have been collected by the Investigating Officer. There appears substance in the contention of applicant that he had consensual relationship with prosecutrix. Delay in lodging FIR is not explained. Applicant was granted interim protection and he has co-operated in the investigation. Applicant is therefore entitled for relief.

5. Application is therefore allowed by confirming interim protection granted to applicant by order dated 30.11.2023.

6. Till filing of charge-sheet, applicant shall attend concerned Police Station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

**[NITIN B. SURYAWANSHI ]**  
**JUDGE**