

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1701 OF 2023

SHABNOOR
AYUB
PATHAN

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Anwar Gafoor Shaikh

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Drupad Patil a/w Mr. Deeraj Patil, for the Applicant.

Ms. Priyanka Chavan, for Respondent No.2 (Appointed as Legal Aid Counsel).

Ms. S. S. Kaushik, APP for the State-Respondent No.1.

Mr. Suraj Bansode, Investigating Officer, Karvee Police Station, Kolhapur.

CORAM : AMIT BORKAR, J.

DATED : APRIL 19, 2024

P.C.:

1. Apprehending arrest in connection with C.R. No.238 of 2023 registered with Karveer Police Station, Kolhapur for offence punishable under section 376, 376(2)(n), 354-A, 313, 323, 504, 506 of Indian Penal Code, 1860 the applicant has filed present anticipatory bail application seeking relief under Section 438 of the Criminal Procedure Code, 1973.

2. The allegations against the applicant is that the complainant was residing with her mother due to divorce with her husband. The complainant was tenant of the applicant and was therefore, residing in the same house. It is alleged that, on 24 October 2022,

the complainant along with her mother started residing in the house. Four days thereafter, the applicant started to touch inappropriate to the complainant with intent to outrage her modesty as per ingredients under Section 354 of IPC. It was alleged that, on 4 November 2022, the complainant was alone at home at that time the applicant committed forceful sexual intercourse with the complainant which resulted in her pregnancy. The applicant provided abortion pills to the complainant for termination of her pregnancy. It is alleged that in February 2022, the applicant assaulted the complainant and in March 2023 the complainant and her mother was vacated the premises. The report was lodged on 12 April 2023.

3. This Court, by order dated 20 June 2023 protected the applicant by imposing conditions.

4. Learned APP, on instructions, states that the applicant has not violated terms and conditions imposed by this Court on 20 June 2023. The investigation is completed and charge-sheet is filed. The applicant has no criminal antecedents to his discredit. Therefore, interim order granted on 20 June 2023 deserves to be continued during trial subject to same conditions.

5. However, the applicant shall remain present before the Trial Court on each and every date unless exempted by the Court.

6. With this, the anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)