

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3299 OF 2024**

Faizan Parvez Shaikh	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Kamran I. Shaikh a/w. Mr. Mohseen Shaikh and Ms. Zeenat Shaikh for applicant.

Mr. Babu V. Holambe-Patil, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 09th DECEMBER, 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0655 of 2024 dated 24.08.2024, registered at Sadar Bazar Police Station, District Solapur City, for offences under Sections 318(2), 74, 75, 76, 119(1) and 115(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The FIR in the present case is registered against the applicant and his family members in the backdrop of a marriage proposal, which eventually did not work out. It appears that both the families i.e. the family of the informant as well as of the applicant, had taken steps towards engagement and marriage of the informant and the applicant. But, eventually the alliance could not work out. In this backdrop, the informant has made allegations against the applicant about the manner in which he ill-treated her inside a room on 05.07.2024 i.e. on the date of engagement. It appears that after the

engagement, the alliance was broken and FIR came to be registered.

4. In fact, the Sessions Court granted bail to all the accused persons, except the applicant, as allegations of sexual harassment were specifically made against the applicant before this Court.

5. The learned counsel for the applicant submitted that the backdrop of the incident cannot be ignored. This Court may consider that the alliance between the families could not work out, despite the engagement and due to the feeling of stigma being attached to the informant, aggravated allegations were made against the accused persons, particularly against the applicant. The learned counsel for the applicant submitted that custodial interrogation of the applicant, in the facts and circumstances of the present case, is not justified, particularly when he has undertaken to co-operate with with investigation.

6. On the other hand, the learned APP submitted that the applicant was singled-out for not granting anticipatory bail by the Sessions Court, particularly because serious allegation of sexual misconduct has been made out against the applicant. This aspect may not be ignored by this Court, while considering the application.

7. Having considered the rival submissions, this Court finds that even if the statement of the informant, leading to registration of FIR, is to be taken into consideration, the incident took place on 05.07.2024, while the FIR was registered on 24.08.2024 and hence, there is some delay in registration of the FIR. Apart from this, the chronology of events indicates that the families had agreed for engagement and eventual marriage of the informant and the

applicant. In fact, engagement had taken place on 05.07.2024. But eventually, the alliance did not work out and it is the case of the applicant that there were certain temperamental differences, due to which the alliance could not work out.

8. In this backdrop, when the allegations are perused, it can be said that exaggerated allegations could have been made against the applicant in the backdrop of the alliance eventually not working out and in the society, stigma being attached to the informant more than that which would be attached to the applicant. In such a situation, this Court is of the opinion that even if the allegations are accepted as it is, custodial interrogation of the applicant may not be necessary. The applicant has undertaken to co-operate with the investigation and therefore, this Court is inclined to allow the application.

9. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0655 of 2024 dated 24.08.2024, registered at Sadar Bazar Police Station, District Solapur City, he shall be released on bail on furnishing PR Bond of ₹ 20,000/-with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall remain present before the Investigating Officer on 12.12.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called 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.

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

11. 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.

12. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli