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

CRIMINAL APPEAL NO.80 OF 2024

AYYAJ FAKRUDDINBHAI PIMPALNERWALA ..APPELLANT
VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Rameshwar Gite a/w Adv. Sushant N. Tare for the
appellant.

Ms. S. D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 30, 2024

P.C. :

1. Leave to amend. Learned counsel for the appellant has tendered an apology as he inadvertently named the complainant in the cause title. The name of the respondent No.2 be redacted from the cause title. Amendment to be carried out forthwith.

2. Heard learned counsel for the appellant and learned APP for the State.

3. The FIR is dated 11.12.2023. On the date of the FIR the victim was 17 years and 5 months of age. The appellant is the acquaintance of the respondent No.2 complainant's mother. The allegation is that the appellant was in a

relationship with the respondent No.2' mother. The victim at the relevant time was residing with her mother. There is a matrimonial dispute pending between the respondent No.2's mother and father. It is submitted by learned counsel for the appellant that having regard to the nature of the allegations made, the possibility of false implication cannot be ruled out as even the other relatives of the complainant's mother are implicated.

4. Learned APP seeks time to take instructions.

5. I have perused the FIR. *Prima facie* I do see some substance in the submissions of learned counsel for the appellant.

6. Issue notice to the respondent No.2, returnable on 20.02.2024. Learned APP waives service of notice on behalf of the respondent No.1. The Investigating Officer to intimate the respondent No.2 the next date.

7. In the meantime, the appellant needs to be granted interim protection.

8. In the event of arrest of the appellant in connection with FIR bearing C.R. No.356 of 2023 dated 11.12.2023

registered with Satpur Police Station, District Nashik, the appellant-Ayyaj Fakruddinbhai Pimpalnerwala be released on bail on his furnishing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

9. The appellant to co-operate with the investigation.

10. Stand over to **20.02.2024**.

(M. S. KARNIK, J.)