



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 109 OF 2024

Shaikh Aejaaj Shaikh Alam V/s State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. H.V.Dhage, counsel for applicant.

Mrs. R.V.Sharma, APP for non-applicant/State.

Mr. N.D. Dawda, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/03/2024.

1. Apprehending arrest at the hands of Police, in connection with Crime No. 542/2023 registered with Police Station Patur, District Akola for the offence punishable under Sections 354, 354-D of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual offences Act, 2012. The applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by the victim on an allegation that she is studying in 12th Standard and attending the school. She alleged that the present applicant and other co-accused used to follow her continuously and on the day of the incident i.e. on 07/12/2023, the present applicant was riding the motorcycle, and the co-accused outraged her modesty by physically touching to her back. On the basis of said report, the police have registered the crime against the present applicant.

3. The learned counsel for the applicant submitted that the co-accused against whom the allegation of outraging the modesty are levelled is already released on bail. As far as the present applicant is concerned, only allegation is that he was riding the motorcycle. Considering the role of the present applicant, his custodial interrogation is not required, and prays for releasing him on bail.

4. The learned APP and the learned counsel for the non-applicant No.2 strongly opposed the application on the ground that, the allegation in the FIR shows that the present applicant and the other co-accused have repeatedly followed the victim girl and subjected her for harassment.

5. Perused the FIR and submissions of the learned counsel for the informant. From the recitals of the FIR shows that only allegation against the present applicant is that he was riding the motorcycle, and when the victim was proceeding, he has driven a motorcycle in a zigzag manner. As far as the allegation of outraging of modesty is concerned, which is levelled against the co-accused who is already released on bail. Considering the submission made by the learned APP that the motorcycle of the present applicant requires to be seized, some conditions can be imposed to release the applicant on anticipatory bail. In view of that, criminal application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

a] The criminal application is **allowed**.

- b] In the event of his arrest, in connection with Crime No. 542/2023 registered with Police Station Patur, District Akola for the offence punishable under Sections 354, 354-D of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual offences Act, 2012, the applicant- **Shaikh Aejaaj Shaikh Alam** shall be released on anticipatory bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned Police Station as and when required and also, the applicant shall produce his motorcycle before the investigating officer for the investigation purpose.
- d] The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of this case.
- e] The fees of the appointed counsel be quantified as per the Rules.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]