



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

CRIMINAL APPLICATION (ABA) NO.219 OF 2024

Muzammil Hussain Azhar Hussain

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Buldhana City, District Buldhana and another

--Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. N. Ali, Counsel for the applicant.

Mr. S. S. Hulke, APP for non-applicant No.1/State.

Ms. Neerja G. Chaubey, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/09/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.130/2024 registered with Police Station Buldhana city, District Buldhana for the offences punishable under Sections 354 and 354-D of the Indian Penal Code 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. Learned Counsel for the applicant submitted that considering the recitals of the FIR at the most the offence under stalking is made out. As far as the outraging of the modesty is concerned, only allegation is that he has driven the Scooty which was in his possession in such a manner which scared

the victim. Thus, considering the same, he be protected by granting the anticipatory bail.

3. Learned APP and learned appointed Counsel for the non-applicant No.2 strongly opposed the application on the ground that the victim is studying in 8th standard and present applicant outraged her modesty not only by fallen her but also attempted to harass her by interfering with her veil and if he is released on anticipatory bail, he would again commit similar type of the offence. In view of that, the application deserves to be rejected.

4. After hearing the learned Counsel for the applicant, learned APP for the State and learned appointed Counsel for the non-applicant No.2 and perused the recitals of the FIR from which it reveals that the offence attracts of stalking and as far as the harassment at the hands of present applicant is concerned, there is no specific allegation by the victim. Considering the nature of the offence and considering the apprehension, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

- (i) In the event of arrest, the applicant – **Muzammil Hussain Azhar Hussain** shall be released on anticipatory bail in connection with Crime No.130/2024 registered with Police Station Buldhana city, District Buldhana

for the offences punishable under Sections 354 and 354-D of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iii) The applicant shall not enter into the vicinity of Telgue Nagar, Buldhana, till the culmination of the trial and shall not induce, threat or promise any witnesses including the victim by any manner.

5. The fees of the appointed Counsel be quantified as per rules.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)