



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

CRIMINAL APPLICATION (ABA) NO. 311 OF 2024

Arbaz Khan Ejaj Khan and another Vs 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. Vishwarupe, counsel h/f Mr. Z.Z. Haq, counsel for the applicants.
Mr. K.R. Lule, APP for the non-applicant/State.
Ms. Falguni Badan, counsel (appointed) for non-applicant No.2

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 30/07/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.163/2024 registered with Police Station Murtizapur, Taluka Murtizapur, District Akola for the offences punishable under Sections 354 read with Section 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by one of the victims, on the allegation that she, along with the other two ladies, had been to Murtizapur in the vehicle of one Arif Shaha Yusuf Shaha. When they attended the function and during function, there was some quarrel between Abdul Saklen Sheikh Mobin and one Ayan. Thereafter, at about 10:30 p.m., when they were proceeding towards Daryapur, at that time, near Pooja Grocery Shop, the co-accused restrained their vehicle, and broken the glass

of their vehicle, and outraged the modesty of the victim girl, aged about 15 years.

3. It is further alleged that the accused, Arbaz Khan Ejaj Khan, has also harassed them, as well as the accused, Sharafat Khan, and Arbaz Khan has outraged her modesty by tearing her dress. On the basis of the said report, the police have registered the crime against the present applicants. Learned counsel for the applicants submitted that, as far as the applicants are concerned and recitals of the FIR shows that only their presence was there and no overt-act is attributed to them. In view of that, the interim protection granted to them be confirmed.

4. Learned APP and learned counsel for the victim strongly opposed the said application, on the ground that there is also an allegation against the present applicants, but to the extent of outraging modesty. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicants and the learned APP for the State, perused the recitals of the FIR as well as the statement of the victim. From which, it reveals that the co-accused has pulled the Dupatta of the minor victim girl, as well as one of the applicants allegedly torn the dress of the informant. As far as the tearing of the dress is concerned, no evidence was collected by the investigating agency during the investigation. Thus, except the statement of the witness, there is no other material to connect the present applicants as far as the outraging the modesty of the

informant is concerned. The custodial interrogation of the present applicants is not required, as nothing is to be recovered from them. In view of that, the interim protection granted to them deserves to be confirmed. Accordingly, I proceed to pass the following order;

- a) In the event of arrest, the applicants 1) Arbaz Khan Ejaj Khan and 2) Ejaj Khan Samsher Khan, in connection with Crime No.163/2024 registered with Police Station Murtizapur, Taluka Murtizapur, District Akola for the offences punishable under Sections 354 read with Section 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, shall be released on anticipatory bail on executing PR. bond in the sum of Rs.25,000/- each with one solvent surety each, in the like amount.
- b) The applicants shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- c) The applicants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

- d) The fees of the appointed counsel be quantified as per Rule.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]