



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.401 OF 2024
(Sharafat Nazakat Khan and anr. Vs. State of Maharashtra)

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

Court's or Judge's Order

Mr. N. Qureshi, Advocate for the applicants.
Mr. A.G. Mate, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 21, 2024.

By preferring this application, the applicants are seeking pre-arrest bail in connection with Crime No.163/2024 registered with Police Station Murtizapur, District Akola for the offence 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.

2. Learned Counsel for the applicants submitted that as far as the allegations in the FIR are concerned which shows that applicant No.2 – Abdul Shakil Abdul Akol has pressed her chest and outraged the modesty whereas as far as applicant No.1 is concerned general allegation is made against him. His custodial interrogation is not required. He submitted that both the applicants are implicated falsely due to the previous dispute. As far as their custodial interrogation is concerned which is not required, and therefore, they be protected by granting anticipatory bail.

3. Learned APP strongly opposed the application on the ground that considering the role of both the accused who have outraged the modesty of the victim who is aged about 15 years against whom the specific allegation against the present applicants, the application for grant of anticipatory bail deserves to be rejected.

4. I have heard learned Counsel for both the sides. Perused the recitals of the FIR from which it reveals that there are specific allegations as far as applicant No.2 is concerned. As far as applicant No.1 is concerned, general allegations is made against him. Hence, the application deserves to be partly allowed. Accordingly, I proceed to pass the following order :

(i) The application is partly allowed.

(ii) In the event of arrest, applicant No.1 – Sharafat Nazakat Khan in connection with Crime No.163/2024 registered with Police Station Murtizapur, District Akola for the offence 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, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) As far as prayer of applicant No.2 – Abdul Shakil Abdul Akil for grant of anticipatory bail is concerned is hereby rejected.

(iv) The applicant No.1 shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(v) The applicant No.1 shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*