



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

CRIMINAL APPLICATION (ABA) NO. 636 OF 2024

Abdul Shakil Abdul Akil 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. Z.Z. Haq, counsel for applicant.

Mrs. Kavita Bhondge, APP for non-applicant/State.

Ms. C.S. Bhute, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 11/10/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.163/2024 registered with police station Murtizapur, District Akola for the offence punishable under Sections 143, 147, 354, 354(B), 341, 427 read with Section 149 of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submitted that initially, there was a dispute on account of dancing in the naming ceremony. On that count, there was a dispute. It is alleged that during the dispute, present applicant has outraged the modesty of the victim as well as of the informant. On the basis of said report, police have registered the crime. He submitted that as there was previous quarrel between them and therefore, this false FIR came to be lodged. As far as the custodial interrogation is concerned, which is not required, as the investigation is

completed and charge-sheet is already filed. Considering the same, he be protected by granting anticipatory bail.

3. Learned APP and learned counsel for the victim strongly opposed the said application on the ground that, the applicant is involved in a act like of outraging of the modesty, in view of that, the application deserves to be rejected.

4. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers from which, it reveals that alleged incident occurred due to the previous dispute. As far as the allegation regarding outraging of modesty is concerned, which is against the present applicant, but as the alleged offences punishable with less then seven years and investigation is completed, the applicant has made out a case for grant of anticipatory bail. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is allowed.
- b] The applicant- Abdul Shakil Abdul Akil shall be released on anticipatory bail in the event of his arrest, in connection with Crime No.163/2024 registered with police station Murtizapur, District Akola for the offence punishable under Sections 143, 147, 354, 354(B), 341, 427 read with Section 149 of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on

executing PR. 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 for the investigation purpose and shall cooperate with the investigating agency.
- d] The applicant shall not induce the other witnesses also who are acquainted with the facts of the case.
- e] The applicant shall not enter into the vicinity of Mominpura Tah. Daryapur, till culmination of the trial.
- f] The fees of the appointed counsel be quantified as per Rule.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]