



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

CRIMINAL APPLICATION (ABA) NO.834 OF 2024

Shaikh Kalim Shikh Khalil

Vs.

State of Maharashtra, Through Police Station Officer, Risod, District
Washim and others

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

Court's or Judge's orders

Ms. P. D. Shejul, Counsel for the applicant.
Mr. S. V. Narale, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/12/2024

1. The application is for grant of anticipatory bail in connection with Crime No.681/2024 registered initially under Section 363 of the Indian Penal Code and subsequently, under Sections 354, 354-A, 363, 366, 376(3), 506 read with Section 34 of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of report lodged by the mother of the victim girl on an allegation that her daughter aged about 15 years and 11 months left the house to attend the school and thereafter, not returned back. She traced for her daughter, but she could not found and therefore, she approached to the Police Station and lodged report

against the unknown person. On the basis of the said report, police have registered the crime.

3. During the investigation, the victim was traced and her statement was recorded. From her statement, it reveals that the present applicant approached to her when she was near the gate of the school and took her along with him. Other co-accused Sajid Pathan was also long with him at that time. The present applicant has forcefully insisted the victim to sit in the car and thereafter, they both proceeded towards Pusad and Pusad to Mahur road. It is further alleged that the co-accused has subjected her for the sexual harassment and thereafter, she has disclosed the said incident to the present applicant, but the present applicant insisted her to go to Pune. On the basis of her statement, the police have added the subsequent sections.

4. Learned Counsel for the applicant submitted that as far as the role of the present applicant is concerned, which is only to the extent of abetment. There is no allegation against him that he has subjected her for the sexual harassment or the sexual assault. Considering the same, he be released on anticipatory bail in the event of his arrest.

5. Learned APP strongly opposed the said application and invited my attention towards the order passed by the learned Additional Sessions

Judge, Washim, wherein it is specifically observed that since the date of filing of the FIR, the applicant is absconding. The victim was minor at the time of the incident, and there are specific allegations against the present applicant as to the kidnapping. The charge-sheet is also filed against the present applicant under Section 299 of the Code of Criminal Procedure.

6. After hearing both sides and on perusal of the recitals of the FIR and the statement of the victim girl, it reveals that the present applicant and the other co-accused forcefully took the victim girl, who was below 18 years of age against her consent and co-accused has subjected her for the sexual assault as well as sexual harassment and the present applicant has abetted the other co-accused. From the order passed by the learned Sessions Judge, it reveals that since the date of filing of the FIR, the applicant is absconding. Due to his absence, the trial was held up for some years. Considering the long abscondence of the present applicant, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)