



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

CRIMINAL APPLICATION (ABA) NO. 381 OF 2024

Imran Abdul Sattar Sheikh V/s 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. M.R.Ali, counsel for the applicant.

Mr. A.G. Mate, APP for the non-applicant/State.

Ms. Anuprita S. Mishrikotkar, counsel (appointed) non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 25/06/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 805/2023 registered with Police Station Yashodhara Nagar, District Nagpur for the offence punishable under Sections 354(A)(1), 323, 294, 509, 506(B) of the Indian Penal Code, 1860 read with 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. The crime is registered on the basis of a report lodged by the victim, on an allegation that on 31/10/2023, when she was at the counter of her hotel, namely Afgan Hotel, four boys came there and asked for a water bottle. At that time, there was a hot exchange of words between them; one of the boys had given a kick blow on her chest, and another had hold the collar of her father. All the boys

have assaulted them, and one of the boys has outraged her modesty. On the basis of said report, police have registered the crime against the present applicant.

3. The learned counsel for the applicant submitted that, as far as the person who has outraged the modesty of the victim is concerned, he has already been arrested and released on bail. The present applicant is assigned the role that he hold the collar of the father of the victim. Considering the fact that, the main accused is already released on bail, the custodial interrogation of the present applicant is not required. In view of that, he be protected by granting anticipatory bail.

4. The learned APP and the learned appointed counsel for the non-applicant no. 2 have strongly opposed the said application on the ground that, the applicant and other co-accused entered into the hotel illegally and unauthorizedly, one of the accused has outraged the modest, and the present applicant has hold the collar of her father, his custodial interrogation is required. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant, learned APP for the state, and learned appointed counsel, perused the recitals of the FIR and the investigation papers. From which, it reveals that the co-accused, against whom the allegation is made that he has outraged the modesty of the victim by giving a kick on her chest, is already released on bail. As far as the present applicant is concerned, the

only role attributed to him is that he holds the collar of father of the victim. As far as his custodial interrogation is concerned, which is not required as nothing is to be recovered from him, in view of that, the prayer for grant of anticipatory bail deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is **allowed**.
- b] In the event of arrest, in connection with Crime No. 805/2023 registered with Police Station Yashodhara Nagar, District Nagpur for the offences punishable under Sections 354(A) (1), 323, 294, 509, 506(B) of the Indian Penal Code, 1860 read with Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant- Imran Abdul Sattar Sheikh shall be released on anticipatory bail, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d] The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

- e] The fees of the appointed counsel be quantified as per Rule.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]