



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

50 ANTICIPATORY BAIL APPLICATION NO. 245 OF 2025

Nazeer Ahmed Janimiya Shaikh

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Prashant Madhav Nagargoje

APP for Respondents-State: Mr. G. O. Wattamwar

Advocate for Respondent No.2 : Ms. Sayali Tekale (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 24, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No.28/2025, registered at Cantonment (Chawani) Police Station, Chhatrapati Sambhajinagar (City), District Chhatrapati Sambhajinagar, for the offences punishable under sections 64(1), 351(2), 351(3) of Bharatiya Nyaya Sanhita.
3. This Court, by order dated 12/03/2025, granted interim protection to the applicant, considering the submissions in paragraphs 3, 4, 5, and 6, as follows : -

"3] The applicant is aged 60 years and the victim is 50 years of age. The case against the applicant is that somewhere in the month of August between 01st to 30th August, 2024, the informant had taken her goat for grazing. At about 02:00 p.m., the applicant came there and caught hold hand of the informant and tied the handkerchief to her eyes and had sexual intercourse with the informant to which she opposed and, thereafter, threatened her.

In the FIR, the incident is stated to be happened between 01st to 30th August, 2024 and it is stated that she informed the incident to

her husband and that her husband intended to question the applicant but, thereafter, the applicant was not traceable. After some days it was noticed that the house of the applicant is for sale. Having realized that the applicant would not be visiting the place again, the complaint is registered, on 23.01.2025.

4] The learned counsel for the applicant submits that there is prior dispute between the parties and he produced general diary of the Cantonment (Chawani) Police Station, wherein he submits that some dispute between the parties was resolved in the police station, on 09.07.2024.

5] The learned counsel for the applicant submits that the allegation in FIR are not correct and filed in view of the prior dispute between the parties. The allegations in the FIR per se would not inspire confidence.

6] Considering the submission that there is prior dispute between the parties, so also, the FIR is delayed substantially and, also, considering the age of the applicant and the informant, all these aspects, prima facie, indicates that the FIR may not be bonafide. The contentions therein would not be bonafide and may have arisen out of the dispute between the parties. Considering the above, interim protection can be granted to the applicant."

4. The learned Counsel for the applicant submits that the applicant has attended the police station and has cooperated with the investigation. He further states that the investigation in the matter is nearing completion.

5. The learned APP submits that if this Court confirms the interim order, the applicant should be directed not to enter the locality where the informant resides.

6. Considering the submissions, the interim protection granted to the applicant by order dated 12/03/2025 is confirmed.

7. In view of the above, the application is allowed in the following terms: -

i] In the event the applicant is arrested in connection with FIR No.28/2025, registered at Cantonment (Chawani) Police Station, Chhatrapati Sambhajnagar (City), District Chhatrapati Sambhajnagar, for the offences punishable under sections 64(1), 351(2), 351(3) of Bharatiya Nyaya Sanhita, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall not enter into the area of Mitmita for a period of SIX months from today.

iii] The applicant shall attend the police station as and when called by the police.

iv] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

v] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. Fees of the appointed advocate is quantified at Rs.10,000/- (in words rupees ten thousand only), to be paid by High Court Legal Services Sub-Committee, Aurangabad

11. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.