



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

910 ANTICIPATORY BAIL APPLN NO.1744 OF 2024

**RAJU HOJDAR PATHAN
VERSUS
THE SUPERINTENDENT OF POLICE & OTHER**

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Advocate for the applicant : Mr.V.S.Wakale
APP for Respondent-State : Mr.S.K.Shirse
Advocate for Respondent no.3 : Mr.Mukesh Rapanwad h/f.
Mr.Rohit Padaswan

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CORAM : ARUN R. PEDNEKER, J.

DATE : 26.02.2025

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the respondent no.3.

2] The applicant is apprehending arrest in connection with Crime No. 135/2023, registered with Bidkin Police Station, Taluka Paithan, District Aurangabad, for the offence punishable under Section 452, 354, 354-A, 354-B, 324, 323, 504, 506 r/w. 34 of the IPC and Section 8 and 12 of POCSO Act.

3] The learned counsel for the applicant submits that earlier the present applicant has filed Anticipatory Bail

Application No. 1370 of 2023 and the said application was withdrawn by the applicant by order dated 26.02.2024. He further submits that this Court, by order dated 01.07.2024 in ABA Nos.1000/2023 along with connected matters, has granted anticipatory bail in favour of Arbaj Mohammad Pathan, by making observations at para nos. 6 and 7, as under :

6. As far as the Crime No.135/2023 is concerned, FIR does not state the name of the persons who have entered the house of the informant, however, in the supplementary statement almost all male family members of one of the accused are sought to be implicated. Merely because, the minor girl makes statement in support of informant, the same cannot be treated as gospel truth at this stage owing to material discrepancies in case of informant. Similarly in view of the fact that the informant sought to improvise her statement by stating that Applicant came to her house with desi revolver. It is absolutely not possible if a person comes with revolver and threatens and informant misses such vital fact while disclosing the incident to the police.

7. Having regard to the inconsistent statements made by the informant in both reports and as the possibility of false implication is not ruled, these Applicants have made out the case for protecting their liberty. It is also necessary to note that the charge-sheet has been filed in both crimes, as such, custodial interrogation of the Applicants is not called for.

4] The learned counsel for the applicant has pointed out Page No.23-E of the application that the role of Arbaj Mohammad Pathan is identical to the role of the

present applicant. The learned counsel further submits that in view of the order passed by this Court dated 01.07.2024 in ABA No.1000/2023 along with connected matters, on the ground of parity the present applicant be released on anticipatory bail.

5] The learned APP submits that the role of Arbaj Mohammad Pathan is distinguishable with the role of the present applicant.

6] Considering the submissions that the role of applicant being similar to Arbaj to whom anticipatory bail has been granted by this Court by order dated 01.07.2024, on the ground of parity, the application is allowed in the following terms :

i] In the event the applicant is arrested in connection with Crime No. 135/2023, registered with Bidkin Police Station, Taluka Paithan, District Aurangabad, for the offence punishable under Section 452, 354, 354-A, 354-B, 324, 323, 504, 506 r/w. 34 of the IPC and Section 8 and 12 of POCSO Act, 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 attend the concerned police station as and when called by the investigating officer.

iii] 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.

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

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

8] 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.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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