

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.927/2017

Saleem Rajjak Ahmad ..vs.. The State of Maharashtra through PSO P.S.
Murtizapur, Dist. Akola.

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

Court's or Judge's orders.

Mr. S. V. Sirpurkar, Advocate for applicant.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 8, 2018

1. Heard Mr. Sirpurkar, Advocate for applicant and
Mr. Rode, A.P.P. for non applicant-State.

2. The applicant is apprehending his arrest in
connection with Crime No.352/2017 registered with Police
Station, Murtizapur (City), Tq. Murtizapur, Dist. Akola for
an offence punishable under Sections 376 (2) (N), 506 of
the Indian Penal Code read with Section 3 (W), (1) (ii), 3
(2) (va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

3. The first informant is victim who runs a beauty
parlor knows the present applicant from her school days.
According to the report, in the year 2003, the present
applicant established physical relations with her and
continued to do the same with the victim till 2012. In 2012,
the victim was married with some other person. According
to the FIR, the present applicant shown some indecent

photographs to her husband resulting into breakdown of her marriage.

4. The report is lodged on 17.11.2017. The learned A.P.P., on a specific query made by this Court, submitted that the investigating officer has not recorded statement of husband of the victim in order to verify the truthfulness of the statement made by the victim that on showing indecent photographs, her marriage was broken down.

5. Looking to the nature of the accusation made in the FIR, this Court is of the view that the applicant has made out a prima facie case in his favour. Hence, following order is passed.

ORDER

- (i) Criminal Application No.927/2017 is allowed.
- (ii) In the event of arrest in connection with Crime No.352/2017 registered with Police Station, Murtizapur (City), Tq. Murtizapur, Dist. Akola for an offence punishable under Sections 376 (2) (N), 506 of the Indian Penal Code read with Section 3 (W), (1) (ii), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the applicant-Saleem Rajjak Ahmad be released on bail on he executing P.R. Bond in the sum of Rs.50,000/- with two solvent sureties in the like amount.
- (iii) The shall attend Police Station, Murtizapur City on 11.01.2018, 12.01.2018, 13.01.2018, 14.01.2018 and 15.01.2018 and shall be with the investigating officer between 11.00 a.m. to 05.00 p.m. and shall extend full

cooperation to the investigating officer. The investigating officer shall conduct entire investigation insofar as the present applicant is concerned during this period.

(iv) The applicant shall keep diary showing his presence in the police station. If on any of the dates mentioned above the applicant remains absent, the investigating officer shall be at liberty to file an application for cancellation of the bail.

(v) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for anticipatory bail. The learned trial Court shall not get influenced by any of the aforesaid observations.

The application stands disposed of accordingly.

JUDGE