

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

**CRIMINAL APPLICATION (ABA) NO.732/2019**

**Azhar Ali s/o Qamar Ali**

**..vs..**

**State of Mah., thr. its Police Station Incharge, Sadar Police Station, Nagpur,**  
**District Nagpur**

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

Court's or Judge's Order

.....  
Shri R.J.Mirza, Counsel for the Applicant.  
Shri Shaikh Sabahatullah, Counsel for the Complainant.  
Shri V.A.Thakare, Addl.P.P. for the State.

**CORAM : V.M.DESHPANDE, J.**  
**DATED : NOVEMBER 15, 2019.**

1. This is an application for grant of pre-arrest bail.
2. Heard learned counsel Shri R.J.Mirza for the applicant, learned counsel Shri Shaikh Sabahatullah for the complainant, and learned Additional Public Prosecutor Shri V.A.Thakare for the State.
3. The applicant is apprehending his arrest in connection with Crime No.459/2019 registered with Sadar Police Station, District Nagpur for offences punishable under Section 376, 420, 417, 504, and 506 of the Indian Penal Code.
4. After rejection of application for grant of anticipatory bail, the applicant filed the present application. This application was taken up on 25.10.2019 and this Court

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(Coram : Rohit B.Deo, J.) granted *interim* protection to the applicant on condition that the applicant shall report to Sadar Police Station, Nagpur on every Monday and Friday between 10:00 a.m. and 1:00 p.m., until further orders. Accordingly, it is submission of learned counsel Shri R.J.Mirza for the applicant, that the applicant attended the police station. Even, the said statement is not controverted by learned Additional Public Prosecutor Shri V.A.Thakare for the State.

5. Report is lodged by victim herself. From the report itself, it is clear that she mentioned her age as 21 years and she works as Make-Up Artist. While, her mother is having partnership business in Gold Articles at Ratnagiri and, therefore, her mother is required to leave frequently.

6. In the First Information Report, it is stated that in November 2018 the complainant's mother went out of station and, therefore, for taking her meals she used to visit Hotel Babbu Galaxy. The applicant is working as a Manager of the said Hotel. Recitals of the First Information Report demonstrates that due to frequent visits of the victim to the said Hotel, relations between her and the applicant developed, resulting into love affair and physical contact. What stated in the report is that the applicant took Rs.1,95,000/- from the victim and the said amount is not returned to her.

7. During the course of submissions, learned counsel Shri R.J.Mirza for the applicant submitted, on

instructions from the applicant, that the applicant is ready to refund Rs.1,95,000/-. He submits that amount Rs.1,95,000/- will be transferred in bank account No.916010040944910 of the victim within a period of 8 days from today. He submits that since the applicant is not having Pan Card, the said amount will be transferred from Bank Account of his father.

8. Learned counsel Shri Shaikh Sabahatullah for the complainant is ready to accept the said amount.

9. Accusation insofar as physical contact is concerned, perusal of the report shows it was by consent of both the parties. In respect of promise of marriage, it will be for the prosecution to prove the said allegation during the course of the Trial.

10. Looking to the fact that the applicant has already joined investigation and has not influenced the prosecution evidence, I feel that in the interest of justice following order should be passed:

**ORDER**

(a) The criminal application is allowed.

(b) In the event of arrest of applicant-Azhar Ali s/o Qamar Ali, in connection with Crime No.459/2019 registered with Sadar Police Station, District Nagpur for offences punishable under Section 376, 420, 417, 504, and 506 of the Indian Penal Code, the applicant be released on bail on he executing a P.R.Bond in the sum of Rs.10,000/- with one solvent surety of the like amount.

(c) The applicant is directed to transfer Rs.1,95,000/- in the bank account of the victim i.e. bank account No.916010040944910 of Axis Bank on or before 22.11.2019.

(d) The applicant is directed to attend the police station as and when he is called by Investigating Officer, however for that Investigating Officer shall give him 1-day written communication.

(e) The applicant shall not pressurize the victim in any way.

(f) If amount Rs.1,95,000/- is not transferred on or before 22.11.2019, it will be open for the victim and the prosecution to apply for cancellation of the bail.

With this, the criminal application stands disposed of accordingly.

**JUDGE**

!! BRW !!

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