

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

CRIMINAL APPLICATION (BA) NO.369 OF 2020

(Sheikh Mudassir @ Sameer Sheikh Jameer .vs. State)

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

Court's or Judge's

CORAM : M. G. GIRATKAR, J.

DATE : 27.7.2020.

1. Heard Mr.M.N.Ali, learned Counsel for the applicant and Mr.N.H.Joshi, learned Additional Public Prosecutor for non-applicant/State. The hearing was conducted through Video Conferencing and the learned Counsel for the respective parties agreed that the audio and visual quality was proper.

2. Mr.M.N.Ali, learned Counsel for the applicant has pointed out report lodged by the Complainant/victim. Learned Counsel has submitted that since the last two years, she was in love with the applicant. She lodged report on 17.3.2020. The Complainant is major, aged about 22 years. Therefore, offences punishable under Sections 376, 354, 354(b) of the Indian Penal Code are not made out. At last, he prayed to release the applicant on bail.

3. Mr.N.H.Joshi, learned Additional Public Prosecutor for non-applicant/State strongly

objected the application. He has submitted that the applicant recorded nude video of the victim and it was shown to the proposed husband of victim. Therefore, her marriage was cancelled.

4. Perused the report. From the report, it appears that the Complainant is major, aged about 23 years. It appears that she was in love with the applicant. She visited other places along with the applicant. As per her report, the applicant did sexual intercourse with her in a hotel on 5.8.2019. The report is dt.17.3.2020. She lodged report only because the applicant had shown her photographs to her proposed husband and therefore, her marriage was cancelled. Looking to the contents of report, it appears that the Complainant is major and she herself consented for sexual intercourse. Looking to the allegations made in the report, the application is allowed.

The applicant be released on bail on his execution of P.R. bond in the sum of **Rs.25,000/-** with one solvent surety in the like amount.

He shall attend the trial Court on each and every date.

He shall not tamper with the evidence of prosecution witnesses.

The application is disposed of.

This order be communicated to the Counsel appearing for the parties, either on the

email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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Jaiswal

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signed by
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