

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

CRIMINAL APPLICATION (ABA) NO. 665 OF 2020

(Guddu @ Sheikh Shahnawaz Sheikh Shafi ..vs.. State of Maharashtra, through PSO, PS Ganeshpeth,
Nagpur)

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

Court's or Judge's orders

Mr. P.V. Navlani, Counsel for the applicant,
Mrs. Kalyani Deshpande, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 10-12-2020

Heard.

2. The applicant is apprehending arrest in Crime 360/2020 registered with Ganeshpeth Police Station, Nagpur for offences punishable under Sections 376(2) (n), 403, 406, 417 and 504 of the Indian Penal Code.

3. The report dated 15-10-2020, on the basis of which the crime is registered, is lodged by Ms. Suraiyya @ Shabana.

4. The gist of the report is that since 2010 the applicant Sheikh Shahnawaz exploited her sexually and financially promising marriage.

5. Suraiyya @ Shabana alleges that the applicant wooed her, professed her love and his intense desire to marry her. The instances and circumstances of the

sexual relationship are minutely narrated in the report. According to Suraiyya, from 2012 to 2017 she kept herself away from the applicant since she did suspect that the applicant may not marry her. However, the applicant again persuaded her to submit to his sexual demands promising marriage. Several instances are referred to in the report of the complainant extracting substantial amounts from Suraiyya from time to time. Certain gold ornaments belonging to Suraiyya were also extracting from her by the applicant, pledged and financial assistance was obtained from money lender.

6. Perusal of the application for pre-arrest protection preferred before the learned Sessions Judge and the present application reveal that extremely uncharitable references are made to Suraiyya @ Shabana. She is branded as a blackmailer and it is projected that there was no physical relationship between Suraiyya and the applicant.

7. Perusal of the case diary, however, reveals that there is more than ample material to link the applicant with the crime. Statements given by the close relatives of the applicant including his mother reveal that there was indeed close proximity between Suraiyya and the applicant. Suraiyya was on visiting terms and in certain statements the relatives have admitted her financial contribution. I am satisfied from perusal of the material

in the case diary that even the alternate submission of Mr. P.V. Navlani that at the most the applicant may have committed breach of promise to marry merits rejection, I am afraid, the conduct of the applicant belies the submission. A definite pattern is discernible. A woman is sexually and monetarily exploited. The statements of witnesses and the audio conversation extracted from the mobile phone clearly falsifies, at least *prima facie*, the contention of the applicant that Suraiyya is a blackmailer and he did not have physical relationship with her.

8. I am further satisfied that custodial interrogation is necessary to recover the amount and the ornaments allegedly pledged.

9. I am satisfied that no case is made out for exercise of discretion.

10. The application is dismissed.

JUDGE

adgokar