

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (BA) NO. 609/2021
(Sheikh Sabir @ Bablu Sheikh vs. The State of Maharashtra: Th: PSO, PS
Sonala Tah.Sangrampur Dist. Buldana)

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

Court's or Judge's order

.....
 Mr. Ram Karode, Advocate for the applicant
 Mr. M.K. Pathan, APP for respondent -State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 16th July, 2021

Hearing was conducted through video conferencing and the learned Advocates agreed that the audio and video quality was proper.

1. The applicant has filed the present Application under Section 439 of the Cr.P.C. seeking regular bail, for offence punishable u/ss. 376(2)(n), 417, 323 and 506 of the Indian Penal Code, registered at Police Station Sonala, Tq. Sangrampur, Dist. Buldana, in respect of Crime No. 64/2021.

2. I have heard learned counsel for the respective parties. Perused the case papers.

3. The prosecution case in brief is that the prosecutrix is a married lady having a seven-year-old child. It is the case of the prosecution that in the year 2018, the prosecutrix went to the house of her sister at Surat and at that time she came in contact with the applicant and they had fallen in love affair. After the prosecutrix returned to her house at Sonala, Tq.Sangrampur, Dist. Buldana, the affair between them continued. It is further the case of the prosecution that thereafter the prosecutrix went to the house of the applicant and

started residing with him and stayed for a period of three years. It appears that as there was a quarrel between the prosecutrix and applicant, she lodged the report against him.

4. Learned Advocate for the applicant vehemently contended that it was a consensual sexual relationship between them and only when there was a dispute between them, the instant FIR came to be lodged.

5. Learned APP opposed the Application rather vociferously.

6. After hearing both sides and on a perusal of the case-papers and the reply filed by the prosecution, *prima facie*, it appears to be a case of consensual sexual relationship between the parties. The prosecutrix was married lady having seven- year-old child. She herself went to the house of the applicant and stayed with him for a period of three years and as there was a quarrel between them, the report came to be lodged against the applicant.

7. Considering the facts and circumstances of the case, I am of the opinion that the applicant can be released on bail by imposing certain terms and conditions. Hence the order :-

ORDER:

The applicant -Sheikh Sabuir @ Bablu Sheikh, be released on bail for offence punishable u/ss. 376(2)(n), 417, 323 and 506 of the Indian Penal Code, registered at Police Station Sonala, Tq. Sangrampur Dist. Buldana, in respect of Crime No. 64/2021, on his executing a PR bond in the sum of Rs. 25,000/- (rupees thirty thousand) with one or two solvent sureties in the like amount, on the condition that he shall not tamper with the prosecution witnesses in any manner and shall attend the court proceedings regularly.

Needless to mention that any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

JUDGE

sahare