



Diksha Rane

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.295/2024

IQBAL AHMAD NADAF

..APPELLANT

VS.

THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. Satyavrat Joshi i/b. Adv. Yash G. Padtare for the
appellant.

Smt. Megha Bajoria, APP for the State.

PSI P. V. Kashid, Sangola Police Station, Solapur Rural.

CORAM : M. S. KARNIK, J.

DATE : MARCH 22, 2024.

JUDGMENT :

1. Heard learned counsel for the appellant and learned
APP for the State.

2. This is an appeal challenging the order dated
28/2/2024 passed by the Additional Sessions Court,
Pandharpur, rejecting the application seeking pre-arrest bail
under Section 438 of the Code of Criminal Procedure. C.R.
No.83/2024 was registered at Sangola Police Station under
Sections 354, 354(A)(2), 323, 354(A), 504, 506 of the Indian
Penal Code (hereafter 'IPC' for short) read with Sections 3(1)
(r)(s), 3(1)(w)(i) and 3(2)(va) of the Scheduled Castes and
the Scheduled Tribes (Prevention of Atrocities) Act, 1989

(hereafter 'the Atrocities Act' for short).

3. The First Information is dated 28/1/2024. The prosecutrix runs a beauty parlour. The prosecutrix found one chit on 23/1/2024 on which it was written that the sender of the chit is aware of an affair which she has with someone. The sender then has written that if this is not to be disclosed to anyone, then she must keep physical relations with him. The sender further threatened that if she does not accede this request, then he would have no option but to make videos and photographs disclosing her relations with such person viral. The prosecutrix informed this to her husband. On 26/1/2024, she received another note. In that it was written that since the sender has not received any response from the victim, therefore, he is left with no option but to make good his threat. A further opportunity was given to the prosecutrix for responding to the request made by the sender. As planned, the family members of the prosecutrix kept a watch and on 28/1/2024, late at night, the sender called the prosecutrix outside the gate of her residence. The appellant-sender came near the gate and told her that she should keep physical relations with him. He attempted to

molest her. When the prosecutrix shouted for help, the appellant assaulted her. The husband of the prosecutrix and his brother made an attempt to catch hold of the appellant. The appellant while making good his escape abused the prosecutrix and her husband in the name of their caste. Specific abuse in the name of the caste is mentioned. The husband realized that the appellant is known to him.

4. Learned counsel for the appellant submitted that the appellant is willing to co-operate with the investigation. It is submitted that there are no independent witnesses to the incident. It is submitted that the custodial interrogation of the present appellant is not necessary and that the appellant is willing to even hand over the mobile phone for the purpose of investigation.

5. Learned APP opposed the appeal for pre-arrest bail.

6. Considering the nature of the accusations and as there is specific allegation about the abuse in the name of caste, the manner in which the incident is orchestrated by the appellant, *prima facie*, in my opinion, there is no reason to disbelieve the version of the prosecutrix. I do not find this to be a fit case to exercise discretion in favour of the appellant.

No case is made out for grant of pre-arrest bail in the facts and circumstances of the present case. I see no reason to interfere with the order of the trial Court.

7. The appeal is dismissed and disposed of accordingly.

(M. S. KARNIK, J.)