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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPEAL NO. 247 OF 2024**

Kalim Salim Sheikh	...Appellant
Versus	
State of Maharashtra & Anr	...Respondents

Mr Chinmay Patil, i/b Seoul Shah, for the Appellant.
Mr Balraj B Kulkarni, APP for the Respondent-State.
Ms Chaitrali Deshmukh, for Respondent No.2.
Mr Balaji Digole, PSI, Kondhwa Police Station, Pune, present.

CORAM : N. R. BORKAR, J.
DATE : 8th MAY 2024.

PC:-

1. The appellant who is accused in Crime No. 1073 of 2023 for the offences punishable under Section 376(2)(n), 323, 504, 506 read with 34 of Indian Penal Code and Sections 3(1)(r)(s), 3(1)(w)(i)(ii), 3(2)(va), 3(20)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has filed this appeal against the order dated 27th February 2024 passed by the Sessions Court in Criminal Bail Application No. 719 of 2024. By the order impugned, the Sessions Court has rejected the anticipatory bail application filed by the appellant under Section 438 of the Code of Criminal Procedure.

2. The aforesaid crime came to be registered at the instance of respondent No.2/victim. According to the victim, in the year 2010, she came in contact of the appellant through one common acquaintance. He told the victim that he would like to marry her. She alleged that on 17.8.2010, the appellant

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committed forcible sexual intercourse with her, when she went to his place to attend birthday of his nephew. She has further alleged that the appellant, thereafter started blackmailing her and repeatedly committed forcible sexual intercourse with her. According to the victim, in the year 2015, she got married to one Kiran Phulwale. It is alleged that one day the appellant came to her matrimonial house & started abusing her. He insisted her to accompany him and when she refused he slapped her. The victim has alleged that due to the act of the appellant she was required to leave her matrimonial home. According to the victim, the appellant had thereafter made her to take separate room. It is alleged that he used to come to her house and used to harass her. It is alleged that on 14.8.2023 he showed her nude photographs in his mobile phone and threatened to make them viral.

3. I have heard learned counsel for the appellant, learned APP for the respondent/State and learned counsel for the respondent No.2.

4. The learned counsel for the Appellant submits that the alleged physical relationship between the appellant and the victim was consensual. It is submitted that this court by order dated 11.3.2022 granted interim anticipatory bail to the appellant. It is submitted that the appellant had cooperated in the investigation. The learned counsel for the appellant submits that considering overall facts and circumstances the interim order passed by this court may be confirmed.

5. On the other hand, learned APP and the learned counsel for the respondent No.2 submit that under threat the victim was repeatedly subjected to sexual intercourse and was compelled to leave her matrimonial house. It is submitted that considering the nature of offence, the appellant may not be released on anticipatory bail.

6. It transpired during the course of hearing of the present appeal that the appellant was married. He suppressed the said fact from the victim and kept her assuring that he would marry her. It further appears that he ruined her matrimonial life. Considering the nature of offence, I am not inclined to release the appellant on anticipatory bail.

7. The Appeal is dismissed.

8. At the request of learned counsel for the appellant, the interim order passed by this Court shall remain in operation for two weeks.

(N.R. BORKAR, J.)