



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

CRIMINAL APPLICATION (ABA) NO. 20 OF 2024

Shivkumar @ Shivam Devnarayan Dubey V/s State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Digvijay Mankar, counsel h/f Mr. S.V.Sirpurkar, counsel for applicant.
Ms. Shamshi Haider, APP for the non-applicant/State.
Ms. F.N. Haidari, counsel (appointed) for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/04/2024.

1. Apprehending the arrest at the hands of Police in connection with Crime No. 562/2023 registered with Police Station Akot, District Akola for offence punishable under Sections 354, 354-A, 354-D, 376(1), 376(2)(n) and 376(3) of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by the victim aged about 38 years, a married lady, who has alleged that she got acquaintance with the present applicant and love relationship was developed between them. Out of that, there was a sexual relationship and the applicant started blackmailing her. She was requesting him that she is a married lady and staying with her husband. But the applicant has not changed his behaviour and was harassing her, due to which there was a quarrel between her

husband and the present applicant. On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that considering the recitals of the FIR, the relationship between the applicant and the victim was consensual in nature, and subsequently she has lodged the false report against the present applicant. He further submitted that the alleged incident has taken place in July, 2022, and the last incident is of September, 2022 and the FIR is lodged on 19/12/2023 i.e. after considerable delay. The entire recitals of the FIR, nowhere shows that the applicant has subjected her for forceful sexual intercourse. Considering the same, the interim protection granted deserves to be confirmed.

4. Learned APP strongly opposed the application on the ground that though there was a love relationship between them but she was subjected for forceful sexual assault, and by taking disadvantage of the same, the applicant has blackmailed her. At the same time, she fairly submitted that now investigation is completed. Considering the consensual relationship between the present applicant and victim, and now investigation is also completed, and custodial interrogation of the present applicant is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

a] The application is **allowed**.

- b] In the event of arrest, the applicant – Shivkumar @ Shivam Devnarayan Dubey shall be released on anticipatory bail, in connection with Crime No.562/2023 registered with Police Station Akot, District Akola for offence punishable under Sections 354, 354-A, 354-D, 376(1), 376(2)(n) and 376(3) of the Indian Penal Code, on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d] The applicant shall not enter into the vicinity of Salunkha Nagar, Daryapur Road, Akot, Dist. Akola, till culmination of the trial.
- e] The fees of the learned appointed counsel be quantified.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]