



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

CRIMINAL APPLICATION (ABA) NO.81 OF 2024

Taufeeq s/o Khurshid Sayyad
Vs.

The State of Maharashtra, Through Police Station Officer, Koradi Police
Station, Koradi, District Nagpur and another

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

Court's or Judge's orders

Mr. Anil Mardikar, Senior Counsel a/b Mr. V. R. Deshpande, Advocate for
applicant.

Mr. V. A. Thakare, APP for non-applicant No.1/State.

Mr. O. R. Deshpande, appointed Counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 16/02/2024

1. Heard.

2. Apprehending the arrest in connection with
Crime No.66/2023 registered at Police Station,
Koradi, Nagpur, District Nagpur for the offences
punishable under Sections 494, 376(2)(n), 420, 323,
504 and 506 read with Section 34 of the Indian Penal
Code along with Section 4 of the Muslim Women
(Protection of Rights on Marriage) Act, 2019, the
applicant approached this Court for grant of
pre-arrest bail.

3. The accusation against the present
applicant is on the basis of report lodged by the
victim who has alleged that she got acquaintance
with co-accused Sahil Sayyed Khurshid who is the

brother of the present applicant, as she was serving in one KRIMS Hospital, wherein father of the applicant was admitted. Thereafter friendship was developed between her and the co-accused which resulted into the love relationship. The co-accused promised her for marriage and asked her to convert herself in Muslim community. It is further alleged that co-accused has performed marriage with her on 27/06/2018. Though they got married, but they were residing separately at their respective houses. It is further alleged that on 15/07/2019 and 12/10/2019 she was beaten by the co-accused Sahil Sayyed Khurshid though there was divorce between them on 03/08/2019. She further alleged that not only the co-accused but the present applicant on the pretext that he will save her from his brother subjected her for sexual assault, obtained the video clips of the sexual relationship and threatened her to make it viral. On the basis of said report, police have registered the crime against the present applicant.

4. Heard learned Senior Counsel Mr. Anil Mardikar for the applicant. He submitted that the FIR is lodged with the false and frivolous allegations. In fact, the informant attempted to grab the flat owned by the co-accused and when co-accused opposed her, she filed a false report. He further submitted that the co-accused against whom the sexual relationship allegations are made is already released on bail. As far as the allegation against the present applicant is

concerned, from the statement it reveals that it was a consensual relationship and out of that there may be a physical relationship between them. Now, the investigation is completed and the charge-sheet is filed. The informant has also forwarded her letter in the name of the Registry and expressed that she has no objection, if the applicant released on bail. In view of that, he prays for releasing the applicant on bail, in the event of arrest.

5. Learned APP for the State and learned Counsel for the respondent No.2 strongly opposed by the application on the ground that during the course of investigation, it revealed that the present applicant has subjected her for sexual assault on the pretext of saving her from the co-accused and obtained her obscene videos. The mobile phone of the present applicant requires to be seized. In view of that, application deserves to be rejected.

6. Having heard the learned Senior Counsel for the applicant and learned APP for the State, perused the investigation papers. From the recitals of the FIR and the subsequent statement of the victim, it reveals that there was a consensual relationship between her and the present applicant. Apparently, it shows that the investigation is already completed against the co-accused and charge-sheet is filed. As far as the present applicant is concerned, his custodial interrogation is not required. In view of

that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant - **Taufeeq s/o Khurshid Sayyad** in connection with Crime No.66/2023 registered at Police Station Koradi, Nagpur, District Nagpur for the offences punishable under Sections 494, 376(2)(n), 420, 323, 504 and 506 read with Section 34 of the Indian Penal Code along with Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, be released on anticipatory bail on executing P.R. Bond in the sum of 25,000/- (Rs. Twenty five thousand) with one surety in the like amount.

(iii) The applicant shall remain present before the Investigating Officer on 21.02.2024 and shall produce his mobile phone for investigation purpose. The said period of production would be considered as his custody for the purpose of Section 27 of the Indian Evidence Act.

(iv) The applicant shall not induce, threat or promise any witnesses who acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)