



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

CRIMINAL APPLICATION (BA) NO. 309 OF 2024

Mohammad Ansar Amanat Hussain 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. M.I. Haque, counsel for the applicant.

Mr. M.J.Khan, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/06/2024.

1. The applicant came to be arrested on 12/07/2022, in connection with Crime No. 1000/2022 registered with Police Station Wardha, District Wardha for the offences punishable under Sections 376(2)(N)(J) of the Indian Penal Code, 1860, and Sections 4 and 5 of the Protection of Children from the Sexual Offences Act, 2012, and Sections 67, 67(A) of the Information Technology Act, 2000.

2. The crime is registered on the basis of report lodged by the victim who alleged that she got acquaintance with the present applicant when she was studying in the 9th Standard thereafter, a love relationship was developed between them. In the year 2018, when she was aged about 16 years, the present applicant came to her house in absence of her parents, and promised her for marriage, and subjected her for sexual assault. Thereafter, he obtained her obscene photographs and threatened her by showing that the said photographs would make it viral and subjected her

for sexual assault. It is further alleged that she was not only threatened of making her photographs viral, but the present applicant has forwarded the same to the husband of the friend of the present applicant. The statement of a friend of the present applicant was also recorded, and thereafter, the crime was registered against the present applicant.

3. Learned counsel for the applicant submitted that as far as the allegation is concerned, which shows that there was a love affair between the victim and the present applicant, out of the love affair, there was a physical relationship. He further submitted that the allegation of forceful sexual assault is not substantiated by the medical evidence. Now, the investigation is already completed and charge-sheet is already filed therefore, further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application on the ground that, it is not the case of only love affairs and the sexual relationship out of love affair, but he submitted that from the investigation papers, it reveals that on the pretext of marriage and having a love affair with the victim, the applicant has obtained her obscene photographs and said photographs are made viral by the present applicant. He invited my attention towards the statement of a friend of the victim, who substantiated the said contention. He further invited my attention towards the communication issued by the investigation officer to the chemical analyser, from which, it reveals that on verification of the mobile

phone of the present applicant as well as one Aniket Nanvatkar, it reveals that the present applicant has forwarded the said obscene photographs to the said Aniket Nanvatkar. Thus, considering the evidence against the present applicant, a prima-facie case is made out, and therefore, the application deserves to be rejected.

5. After hearing both the sides and on perusal of the investigation papers, the victim has alleged that there was a love affair, and on the promise of marriage, the applicant has subjected her for sexual assault. On going through the investigation papers and supplementary statement of the victim, it reveals that initially on the pretext of performing the marriage, she was subjected for sexual assault and the applicant has obtained her nude photographs and thereafter, threatened her that he would make it viral, and by threatening her, repeatedly subjected her for sexual assault.

6. It further reveals that the mobile phone of the present applicant as well as one Aniket Nanvatkar was seized, from which it was revealed that, it was the present applicant, who has forwarded the said photographs to the said Aniket Nanvatkar. The mobile phone of the present applicant as well as said Aniket Nanvatkar was seized by drawing the seizure panchanama, and the photographs are also seen by opening the memory card of the said mobile phone of the present applicant as well as the said Aniket Nanvatkar. From which, it reveals that it was the present

applicant who has forwarded the said obscene photographs of the victim to the said Aniket Nanvatkar as well as the other persons. Thus, considering the nature and the material collected during the investigation, it is not only a case of the sexual assault out of a love affair, but it appears that the applicant has on the pretext of marriage, subjected her for sexual assault and obtained her obscene photographs and made it viral.

7. Thus, considering the gravity of the offence, no case is made out for grant of bail. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order:

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]