



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

CRIMINAL APPLICATION (ABA) NO. 723 OF 2024

HAROON ALIS HARUN MEHMOOD CHAUDHARI
VS
THE STATE OF MAHARASHTRA

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

Court's or Judge's Order

Mr. K.D. Bhende, counsel for applicant.
Mr. D.D. Dubey, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/11/2024.

1. The applicant is apprehending arrest at the hands of police in connection with Crime No.456/2024 registered with Police Station, Wathoda, District Nagpur for the offences punishable under Section 305(a) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned counsel for the applicant, who submitted that the crime is registered on the basis of a report lodged by Nagma Sheikh, alleging that she was having a love affair with the applicant and therefore, he was staying along with her. On 29/08/2024, at about 3.00 p.m., she has kept the amount of Rs. 4,50,000/- and her golden ornaments in the house for purchasing the flat. But the present applicant has committed the theft of the said amount and eloped from the place. On the basis of the said report, police have registered the crime.

3. Learned counsel for the applicant submitted that out of a love affair there was a physical relationship between the victim and the present applicant. They were living in a live-in relationship; subsequently, the victim has lodged the report against him, alleging that she was subjected for forceful sexual assault. The applicant is released on bail, and thereafter to implicate him in another offence, this false FIR is lodged. He also submitted that the WhatsApp chat between both of them also shows the nature of the relationship which was developed between them. Considering all these aspects, the applicant be protected by granting anticipatory bail. He submitted that after he was protected by granting ad-interim protection, he has cooperated with the investigating agency, and there is no allegation that he has misused the liberty.

4. Learned APP strongly opposed the said application and submitted that the amount and the golden ornaments are to be seized, and therefore, the custodial interrogation is required.

5. On perusal of the recitals of the FIR and the other investigation papers, which are placed on record shows that there was an intimate relationship between the present applicant and the victim. Initially, the victim lodged the report alleging that she was subjected for sexual assault. The photographs, which are filed on record, show that there was no displeasure shown by the victim, as far as the physical relationship is concerned. The allegation

is that when she was in the house, at that time, the present applicant has committed the theft. It reveals that out of the physical relationship, there was some discord between them, and therefore, this FIR came to be lodged. As far as the custodial interrogation is concerned, which is not required, as the applicant has already cooperated with the investigating agency and attended the concerned police station. In view of that, interim protection granted to the applicant, deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

- a] The criminal application is allowed.
- b] In the event of arrest, in connection with Crime No.456/2024 registered with Police Station, Wathoda, District Nagpur for the offences punishable under Section 305(a) of the Bharatiya Nyaya Sanhita, 2023, the applicant Haroon alias Harun Mehmood Chaudhari shall be released on anticipatory bail, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall

cooperate with the investigating agency till filing of the charge-sheet.

- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]