



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.745 OF 2024

(Ehsan Khan s/o Dildar Khan Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Ms S.H. Diwan, Advocate for applicant.
Ms S. Haider, A.P.P. for the State.

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

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.35/2024 registered with police station Sakkardara, Nagpur District Nagpur for the offence punishable under Sections 363, 376(2)(n) read with Section 34 of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.

2. Issue notice to the non-applicants.
3. Learned APP waives notice for the State.
4. The application is filed along with the charge-sheet which shows that entire investigation is already carried out.
5. From the recitals of the FIR it reveals that on 25/01/2024 the informant has received the phone call of his wife who disclosed that his daughter left the house on

a pretext of meeting her friend and not returned back. He suspected that the present applicant who has sent a proposal for marriage but same was not accepted, and therefore, he might have abducted her. On the basis of the said report, police have registered the crime against the present applicant. During investigation, it reveals that there was a communication between the present applicant and the victim prior to the incident. During search victim was found along with the present applicant. Her statement was recorded. From her statement, it reveals that present applicant has induced her to come along with him on the promise of marriage and took her at his native place. On visiting the native place, one woman and one girl of 18 years was present in the house. Victim resided there and during that period she was subjected for the sexual assault by the applicant. It further reveals to her that the applicant is already married. On the basis of the said statement, Section 376 of the IPC and the provisions of the Protection of Children from Sexual Offences Act, 2012 are added.

6. Learned Counsel for the applicant submitted that the victim at her own joined the company of the present applicant out of love affair, and therefore, custodial interrogation of the present applicant is not required as whatever happened during the stay of the victim along with the present applicant out of love affair. She submitted that considering the same, the application

deserves to be allowed by granting anticipatory bail to the present applicant.

7. Learned APP strongly opposed the application and invited my attention towards the statement of the victim from which it reveals that initially there was a proposal from the present applicant to the father of the victim to perform the marriage of the victim with him. It reveals to the father of the victim that applicant is already married, therefore, he turned down the said proposal. After he turned down the proposal of the marriage, present applicant induced the victim by communicating with her on the mobile phone and by inducing her, called her near dargah and took her along with him on the promise of marriage. She was subjected for the forceful sexual assault by the applicant on the promise of marriage though he was married.

8. Considering the allegation against the present applicant at this stage, no case is made out for grant of anticipatory bail. In view of that, the application deserves to be rejected.

9. The application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)