



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

CRIMINAL APPLICATION (ABA) NO.711 OF 2023

Shoeb Iqbal s/o Iqbal Ahmad Nasir

Vs.

The State of Maharashtra, Through its Police Station Officer, Juni Kamptee,
Nagpur

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

Court's or Judge's orders

Mr. Sk. Sabahat Ullah, Advocate for applicant.

Mrs. Sneha Dhote, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/02/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.327/2023 registered with Police Station, Juni Kamptee, District Nagpur for the offence punishable under Sections 377 and 498-A of the Indian Penal Code. The applicant is the husband against whom the allegation is made on the basis of report lodged by Pravin Bano Shoeb Iqbal alleging that she is ill-treated at the hands of the present applicant for illegal demands. On the basis of said report, police have registered the crime against the present applicant.

2. It appears that the dispute between the husband and wife and the allegations of unnatural sex were not mentioned in the initial complaint. No medical report is filed after sufficient opportunity. Considering the Investigating Officer has already

recorded the various statements of the witnesses. Further investigation is still going on. As far as the interrogation part is concerned, physical custody 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 following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.327/2023 registered with Juni Kamptee Police Station, District Nagpur, for the offence punishable under Sections 377 and 498-A of the Indian Penal Code, the applicant **Shoeb Iqbal s/o Iqbal Ahmad Nasir** be released on anticipatory bail on furnishing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)