



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

CRIMINAL APPLICATION (ABA) NO.717 OF 2023

Mohammad Nadeem s/o Mohammad Abdul Zahur
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Sitabuldi, 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. Yusuf Jameel Sheikh, Advocate for applicant.
Mrs. M. H. Deshmukh, APP for non-applicant No.1/State.
Mr. Shazad A. Khan, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/03/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.544/2023 registered with Police Station Sitabuldi, Nagpur District Nagpur for the offence punishable under Section 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012, the applicant approached this Court for pre-arrest bail.

2. The accusation against the present applicant is on an allegation that informant was residing along with the present applicant in a live-in relationship for the last one and half years. On 16.08.2023, the present applicant came to the house under the influence of liquor, and there was hot exchange of words between them and thereafter, the

applicant went at her house and outraged the modesty of her daughter by attempting to disrobe her. On the basis of said report, the police have registered the crime against the present applicant.

3. The learned counsel for the applicant submitted that the informant and the present applicant were residing in a relationship and there was some dispute between them, out of that dispute this false FIR is lodged. As far as custodial interrogation is concerned, which is not required. The applicant has already cooperated with the investigating agency.

4. Learned Counsel for the non-applicant No.2 and learned APP strongly opposed the application on the ground that the allegations are serious in nature, the custodial interrogation of the present applicant is required. In view of that, the prayer for grant of anticipatory bail deserves to be rejected.

5. After hearing the learned Counsel for the applicant, learned Counsel for the non-applicant No.2 and learned APP for the State, perused the investigation papers. It reveals that the applicant and the informant were living together and some disputes arose between them. As far as the allegations are concerned, immediate custodial interrogation of the present applicant is not required.

Considering the applicant has cooperated with the investigating agency by attending the Police Station, the interim protection granted to the present applicant deserves to be confirmed. In view of that, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of the arrest, in connection with Crime No.544/2023 registered with Police Station Sitabuldi, Nagpur District Nagpur for the offence punishable under Section 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012, the applicant – **Mohammad Nadeem s/o Mohammad Abdul Zahur** be released on anticipatory bail, on executing a P.R. Bond in the sum of Rs. 25,000/- with one solvent in the like amount.

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

(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.)