



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

CRIMINAL APPLICATION NO.1790 OF 2023
IN
CRIMINAL APPLICATION (BA) NO.1027 OF 2023
(Shahid Iqbal Abdul Latif 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

Mr. A.R. Rawlani, Advocate for the applicant.
Mrs. M.H. Deshmukh, APP for the State.
Mr. M.N. Hariramani, Advocate for Assist to prosecutor.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 10, 2024

By this application, the informant is seeking permission to assist the prosecution by engaging the Counsel.

2. In view of the contention raised in the application and the application is filed by the informant, permission is granted to engage the Counsel to assist the prosecution.

3. The application is allowed and disposed of accordingly.

CRIMINAL APPLICATION (BA) NO.1027 OF 2023

Heard.

2. By this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.664/2023 registered at police station Sitabuldi, Nagpur for the offences

punishable under Sections 376(2)(n), 294, 506(2) of the Indian Penal Code read with Section 66(E) of the Information Technology Act, 2000.

3. Present applicant is arrested on 12th October, 2023 and subsequently, he is released on interim bail vide order dated 09/11/2023.

4. The accusation against the present applicant is on the basis of report lodged by the victim on an allegation that in the year 2019 she obtained divorce from her husband and was residing separately. She came into contact with the present applicant and they developed live-in relationship between them. Said relationship is continued for 8 years but the applicant started harassing her by consuming liquor and quarrel with her and also obtained her nude photographs. She further alleged that the present applicant threatened her that he will made her photographs viral, and therefore, she approached to the police station.

5. Said application is strongly opposed by the State on the ground that the applicant is not only subjected her for sexual assault but obtained her nude photographs and threatened her that he will made the said photographs viral. The offence is of a serious in nature and the application deserves to be rejected.

6. During the pendency of the application the victim has filed her affidavit and submitted that she is residing with the present applicant in the same house as they are having live-in relationship.

7. Having heard both the sides. Perused the investigation papers. From the recitals of the FIR and the statement of the victim, it reveals that she got acquaintance with the present applicant and started residing with him. They were residing in live-in relationship and there was physical relationship between them.

8. From the recitals of the FIR and the statement of the victim, it reveals that the relationship was consensual in nature and there is no allegation regarding the forceful sexual assault also. Though the victim has filed an affidavit contending that since residing in live-in relationship however, it cannot be taken into consideration. At the same time, on perusal of the investigation papers, it reveals that now the investigation is already completed and charge-sheet is filed. The incriminating article i.e. the mobile phone of the present applicant is already seized and forwarded to chemical analysis.

9. The WhatsApp chat also placed on record which shows that the relationship between the present applicant and the victim was of consensual in nature. Considering now the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. The interim bail granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order :

- (i) The application is allowed.
- (ii) The applicant – Shahid Iqbal Abdul Latif in connection with Crime No.664/2023 registered at police station Sitabuldi, Nagpur for the offences punishable under Sections 376(2)(n), 294, 506(2) of the Indian Penal Code read with Section 66(E) of the Information Technology Act, 2000, be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.
- (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (v) Bail in lower Court.

10. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)