



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

CRIMINAL APPLICATION (ABA) NO. 813 OF 2024

Heena Shaheen Salim Khan and another Vs 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. Vijaykumar Paliwal, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/12/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 497/2024 registered with Police Station Akot, District Akola for the offence punishable under section 384 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered against the present applicants on an allegation that the complainant, namely Zuber Khan Aasif Khan, approached the police station and lodged a report that he had purchased a plot from the applicant No. 1 in Makode Layout, and therefore, he is acquainted with her. On 29/01/2024, he, along with his friend, had been to Nagpur and again returned to Akola. As he reached late in the night, he stayed at the house of his father at Akot File, and on 01/02/2024, he reached at Akot. On 13/2/2024, he received a phone call from the Police Station Akot Rural intimating him that he, along with his friend Tawangar, are called at the Police Station

Akot Rural. Upon inquiry, it came to their notice that the applicant no. 1 had given a report about the physical assault and outraging the modesty against them. On 28/02/2024, the applicant and his friend were called at Police Station, where they went with the brother of the Tawangar. At the relevant time, the applicant and one girl child were present in the compound of the police station, and they both meet the complainant and demanded Rs. 60,000/-, otherwise threatened them that they would proceed with the complaint. As the complainant and the other co-accused, Tawangar has shown their willingness to pay Rs. 60,000/-. They have also called the another person, Abdul Sharif, and started the video shooting. At the relevant time, applicant no. 1 stated that she would not take back the case against the complainant, however agreed to take back the allegations against the Tawangar by accepting Rs. 30,000/-. On 01/03/2024, applicant No. 1 received Rs. 30,000/- which she handed over to Abdul Sharif, who after counting the same, returned it back to her. After accepting the amount of Rs. 30,000/-, they told that the remaining amount is yet to be received and not withdrawn from the complainant. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned counsel for the applicants submitted that with the false allegations, the FIR is lodged against the present applicants. In fact, the present applicants have lodged the complaints about the outraging of modesty

against the informant and other co-accused, and therefore, to give a counterblast of the same, this false FIR is lodged. In view of that, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that during the course of the investigation, the mobile phone of Faizal Ali, i.e. the brother of the Tawangar, was seized. After seizure of the mobile, the panchanama regarding the same was also conducted, and four videos were witnessed which were recorded, in which the two ladies are seen negotiating and accepting the amount of Rs. 60,000/-. Thus, from the said panchanama, it can be seen that the applicants have asked for the amount of Rs. 60,000/- and also accepted Rs.60,000/-, but not withdrawn the complaint. He submitted that similar types of offences are registered against the present applicants at various police stations, wherein also the similar types of the allegations are leveled by the informant therein. Thus considering the same, that modus operandi of the applicants can be revealed, and therefore, the applicants are not entitled for any anticipatory bail.

5. After hearing both sides and on perusal of the investigation papers, it reveals that, by taking the disadvantage of the acquaintance, the complaint was allegedly filed against the informant and the other co-accused, and thereafter, they were blackmailed by

demanding the amount of Rs. 60,000/-. Similar types of allegations were leveled in crimes No. 402/2022 and 404/2024, from which the modus-operandi of the present applicants is revealed. At this stage, prima-facie case is made out against the present applicants, their custodial interrogation is admittedly relevant. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

Criminal application is rejected.

[URMILA JOSHI-PHALKE, J.]