



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

CRIMINAL APPLICATION (BA) NO.640 OF 2024

Mohammad Yasin s/o Mohammad Asif
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Telhara, District Akola

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

Court's or Judge's orders

Mr. A. B. Mirza, Counsel for the applicant.
Ms. Swati Kolhe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/08/2024

1. The applicant came to be arrested on 03.06.2024 in connection with Crime No.135/2024 registered with Police Station, Telhara, District Akola for the offences punishable under Sections 366, 354, 354-D, 341, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the victim girl aged about 22 years on an allegation that she is taking education and studying in M.Com first year. The present applicant was insisting her for marriage and used to follow her as she declined to communicate with him. He has consumed the poison and was alleging that as she is not talking with him, he has consumed the poison. It is further alleged that on 02.06.2024 the present applicant has restrained her, abducted her and

insisted her for marriage. The family members of the present applicant also ill-treated her and abused her. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that there was a love affair between the victim and the present applicant and the said love affair was opposed by her parents and therefore, this false FIR is lodged. He has also placed on record some photographs and the audio communication between the brother of the applicant and the victim to substantiate his contention that there was a love affair between them.

4. Learned APP strongly opposed the said application and submitted that the victim was insisted to perform the marriage and for that purpose, she was in trouble, she was abducted and taken by the present applicant. If he is released on bail, similar type of conduct is apprehended at the hands of the present applicant, in view of that the application deserves to be rejected.

5. Heard learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as various documents filed along with the application. The photographs shows the relationship between the victim and the present applicant. The communication which is recorded

between the victim and the brother of the applicant also reveals that there was a love affair between the informant - victim and the present applicant. The statements are recorded by the investigating agency including the statement of the victim under Section 164 of the Code of Criminal Procedure from which it reveals that she has stated before the Magistrate that the present applicant never insisted her for marriage but she was harassed by the family members of the present applicant. Thus, considering the entire documents filed on record and the communication from which it reveals that out of a love affair which was opposed by the family members of the victim, this FIR came to be lodged. Now, the investigation is already completed and charge-sheet is already filed. As far as the further incarceration of the present applicant is concerned, it is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Mohammad Yasin s/o Mohammad Asif** shall be released on bail in connection with Crime No.135/2024 registered with Police Station, Telhara, District Akola for the offences punishable under Sections 366, 354, 354-D, 341, 504 and 506 read with Section 34 of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

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

(iv) The applicant shall not communicate or contact the victim in any manner.

(v) The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.

(vi) The contravention of any of the condition would lead the cancellation of the bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)