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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 CRIMINAL APPEAL NO. 467 OF 2025

SHABBIR KASAM SHAIKH

....Appellant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondents

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the appellant
Mrs. Vaishali S. Swami, Advocate for the respondent No. 2
(appointed)
Mr. R. B. Dhaware, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 26th AUGUST, 2025

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1. Heard.

2. The appellant has approached this court seeking bail in the event of his arrest in connection with Crime NO. 9/2025 registered with Shevgaon Police Station, Dist. Ahmednagar for the offences punishable under Sections 115(2), 352, 351(2), 351(3), 79 of the B. N. S. and Section 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(ii) of the SC and ST (Prevention of Atrocities) Act.

3. The informant lodged the FIR. The informant happens to be performer in Tamasha. Because of relatives the informant got in connection with the present appellant. The appellant while having physical relation made some video recording of scene and on that he made her to marry with him in 2002. However, thereafter he started harassing her and used to take money from her by abusing her in the name of caste. In 2024 he even demanded sexual favour from her daughter on that she got annoyed. In the quarrel, he again abused her in the name of her caste. On 25-11-2024, she received a message from one Raju that her house was on fire. She went to make a complaint to the police station. While going to police station, again the present appellant threatened her not to give any compliant etc. On the basis of complaint a crime came to be registered.

4. The appellant approached the learned Sessions Court by filing the bail application, however, same came to be rejected.

5. The learned advocate for the appellant vehemently argued that there is delay in lodging the FIR. Last incident alleged is on 25-11-2024. In fact, the informant used to blackmail him, as he happens to be a Councilor in the Municipal Council and used to demand an amount. Since the appellant could not fulfill her demand, she has falsely implicated him in an offence. The learned advocate invites attention to whatsapp chats wherein it is tried to be shown that just before two days of the lodging of offence she had asked for an amount of Rs.30 lakhs towards ransom. Since he did not pay the amount she lodged the complaint. He submits that had there been any feeling against her caste, he would not have married her. He, thus, prays for allowing the appeal.

6. The learned APP vehemently opposed the appeal stating that clearly a case is made out under the Atrocities Act and therefore, there would be bar under Section 18.

7. The learned advocate for the respondent No.2 also vehemently opposed the appeal stating that there are serious allegations against the present appellant.

8. This court has heard the parties. This court finds that there is material allegations against the appellant. Though it is tried to be shown that there is already dispute pending between the parties, because of the dispute, the appellant is falsely implicated. This court finds that all the allegations clearly make out the case against the appellant. In view of bar under Section 18, no provision of Section 438 of the Cr. P. C. can be invoked.

9. Considering all above, this court finds that the criminal appeal deserves to be dismissed and same is hereby dismissed.

10. The learned advocate Mr. Jahagirdar, at this stage seeks extension of interim relief already granted in favour of the appellant.

11. A prayer is vehemently opposed by the learned APP and respondent No. 2.

12. Since the interim relief is there, same be continued for three weeks from today.

13. The learned advocate for the respondent No. 2 is appointed through Legal Aid. Her fees be quantified to Rs. 5000/- to be paid by the High Court Legal Aid Services, Sub-Committee.

[KISHORE C. SANT, J.]