



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

**CRIMINAL APPLICATION (ABA) NO. 65 OF 2025**

Mohammad Shahrukh Abdul Razzak Vs State of Maharashtra

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

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Mr. R.P. Joshi, counsel for applicant.

Ms. M.A.Barbde, APP for non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 03/03/2025.**

1. The application is preferred by the applicant for grant of anticipatory bail in connection with Crime No. 17 of 2025, registered with Police Station, Buldhana Rural for the offences punishable under Sections 64, 74, 78, 79, 333, 115(2), 352 and 351(2) of the Bhartiya Nyaya Sanhita, 2023.

2. Learned counsel, Mr. R.P. Joshi for the applicant submitted that the allegation of the rape against the applicant is false and baseless. He invited my attention towards the interim order passed by the Coordinate Bench and submitted that, the Coordinate Bench, after going through the entire investigation papers, observed that earlier there was no allegation as to the sexual assault. He submitted that the records and the incident indicate that an assault occurred on the given date, during which the applicant sustained a head injury. He was admitted in the hospital on 14/01/2025 at about 10.20 a.m. The informant

was also admitted in same hospital at about 8.20 a.m. He has also placed on record the relevant pages of the admission register of the Civil Hospital, Buldhana. The copy of the admission register submitted across the bar was marked as Article-A by the Coordinate Bench. Thereafter, the applicant was mercilessly beaten by the informant.

3. It has further submitted by him that the history of the assault initially recorded in the medical papers of the informant and pointed out that no history of sexual assault was added, and afterthought his story is concocted. As far as the custodial interrogation of the present applicant is concerned, which is not required. On the contrary, the record shows that he was assaulted, and he has sustained grievous injuries. He submitted that considering the circumstances of the case, the applicant be released on anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that considering the gravity of the offence and the nature of the allegation, his custodial interrogation is required, and therefore the application deserves to be rejected.

5. On going through the record and proceedings, the relevant entry form of the hospital, admission register would show that on the same day, the applicant was admitted in the hospital. His entry of admission is initial, whereas the entry of the informant was subsequent. In the

history narrated before the medical officer, the incident of sexual assault is not narrated by the informant. Considering the inconsistent statement as well as the medical report, at this stage, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order:.

- a] In the event of arrest in connection with Crime No.17 of 2025, registered with Police Station Buldhana Rural for the offences punishable under Sections 64, 74, 78, 79, 333, 115(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant Mohammad Shahrukh Abdul Razzak shall be released on bail on furnishing PR. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.
  - b] The applicant shall attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. till filing of the charge-sheet.
  - c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
6. The application is **disposed of**.

**[URMILA JOSHI-PHALKE, J.]**