



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

CRIMINAL APPLICATION (ABA) NO.187 OF 2025

Mohammad Najim s/o Abdul Rahim and another
Vs.

State of Maharashtra, through Police Station Officer, Police Station
Anjangaon Surji, District Amravati and another

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

Court's or Judge's orders

Mr. M. N. Ali, Counsel for the applicants.
Ms. H. N. Prabhu, APP for non-applicant No.1/State.
Mr. Saumitra A. Kanetkar, Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/04/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.81/2025 registered with Police Station Anjangaon Surji, District Amravati for the offence punishable under Sections 498-A, 352, 354-B, 354-C of the Indian Penal Code and under Section 66E and 67A of the Information Technology Act.

2. Both the applicants are brother-in-law of the informant. As per her allegation, her marriage with the brother of the present applicants namely Mohammad Nadim Abdul Rahim was performed and she resumed the cohabitation at the house of the present applicants and other co-accused. It is alleged by her that initially for some days, she was treated well and subsequently, she was ill-treated by

the present applicants and the other co-accused by demanding the amount. She was also ill-treated by forcibly subjecting her for the sexual assault as well as by outraging her modesty by the present applicants. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned Counsel for the applicants who invited my attention towards the other FIR which is registered vide Crime No.31/2023 and the application filed before the learned Magistrate, RCC No.92/2023 wherein the informant has not alleged as to the sexual assault against the present applicants though they are party in the said applications. He submitted that afterthought these allegations are levelled against the present applicants only to harass them. As far as their custodial interrogation is concerned, which is not required. In view of that, they be protected by granting anticipatory bail.

4. Learned APP and learned Counsel for the non-applicant No.2 - victim strongly opposed for the same on the ground that considering the gravity of the offence, the application deserves to be rejected.

5. Considering the submissions made by the learned Counsel for the applicant and learned APP and learned Counsel for the non-applicant No.2 - victim, perused the entire investigation papers from

which it reveals that the informant, who is the sister-in-law of the present applicants alleged that both applicants subjected her for forceful sexual assault and outraged her modesty. Admittedly, after the said incident, she has lodged another complaint which is registered vide Crime No.31/2023 and also a private complaint filed before the learned Judicial Magistrate First Class at Anjangaon Surji wherein she has not made such types of the allegations. Thus, considering the inconsistent statements of the victim, the applicants have made out a case for grant of anticipatory bail. In view of that I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **No.(1) Mohammad Najim s/o Abdul Rahim and No.(2) Mohammad Sharik s/o Abdul Salim** shall be released on anticipatory bail in the event of their arrest, in connection with Crime No.81/2025 registered with Police Station Anjangaon Surji, District Amravati for the offence punishable under Sections 498-A, 352, 354-B, 354-C of the Indian Penal Code and under Section 66E and 67A of the Information Technology Act, on executing PR Bond of Rs.25,000/- each with one solvent surety of the like amount.

(iii) The applicants shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case and shall cooperate with the investigating agency.

(v) The applicants shall produce their mobile phones before the Investigating Officer and the said period will be considered as their custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023.

(vi) The applicants shall not enter into the vicinity of Achalpur, till the investigation is completed.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)