



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPEAL NO.169 OF 2025

Shaikh Salim Shaikh Noor,
Aged 22 years, Occ. Labour,
R/o. Mahatma Phule Nagar,
Risod, Tq. Risod, District Washim

...APPELLANT

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Police Station Risod,
Tq. Risod, District Washim
2. Nikita Tarachand Bijore,
Aged 19 years, Occ. Household,
R/o. Mahatma Phule Nagar,
Risod, Tq. Risod, District Washim

...RESPONDENTS

Mr. M.N. Ali, Advocate for the appellant.
Ms S.S. Dhote, APP for the State.
Ms PD. Pisurde, Advocate (appointed) for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : JUNE 13, 2025.

ORAL JUDGMENT :

ADMIT. Heard finally with the consent of learned Counsel
for the parties.

2. By this appeal, the appellant has challenged the order passed by the learned Special Judge and Additional Sessions Judge, Court No.1, Washim, rejecting the anticipatory bail application of the present appellant in connection with Crime No.621/2024 registered with Police Station Risod, District Washim for the offence punishable under Sections 74, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act of 1989').

3. The crime is registered on the basis of report lodged by the victim girl on an allegation that the present appellant was sexually harassing her, following her and threatening her by saying that if she does not perform marriage with him, he would kill her brother and also set her house on fire and also abused on her caste on 02.12.2024. On the basis of the said report, police have registered the crime against the present appellant.

4. Learned Counsel for the appellant placed on record the WhatsApp chat which shows that the appellant and the victim were in relationship and as the said relationship was broken therefore, this false report came to be lodged against the present appellant. As far as the custodial interrogation is concerned the appellant is already directed to

attend the police station. He has attended the said police station. The allegation itself is baseless which reveals from the WhatsApp chat between the present appellant and the informant. In view of that, he prays for allowing of the appeal.

5. Learned APP and learned Counsel for respondent No.2 strongly opposed for the same on the ground that custodial interrogation of the appellant is required. In view of that and in view of the bar under Section 18 of the Act of 1989, the appeal deserves to be dismissed.

6. I have heard learned Counsel for both the sides. On perusal of the recitals of the FIR from which it reveals that the allegation is that though the present appellant was knowing that she belongs to the Scheduled Caste, she was subjected for the sexual harassment and thereby the appellant has committed an offence. Considering the WhatsApp chat between the appellant and the victim and the photographs which are uploaded, the relationship between the present appellant and the victim is of love affair. However, some discord is there and in the said discord the relationship was broken, and therefore, the FIR came to be lodged. Considering the nature of the relationship, the bar under Section 18 of the Act of 1989 will not attract. In view of that,

the appeal deserves to be allowed. Accordingly, I proceed to pass following order

- (i) The appeal is allowed.
- (ii) The appellant - Shaikh Salim Shaikh Noor shall be released on anticipatory bail, in the event of his arrest, in connection with Crime No.621/2024 registered with Police Station Risod, District Washim for the offence punishable under Sections 74, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, on executing PR. Bond of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The order passed by the Special Judge and Additional Sessions Judge, Court No.1, Washim dated 23/01/2025 in respect of Crime No.621/2024 is hereby quashed and set aside.
- (iv) The appellant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

(v) The appellant 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 and shall cooperate with the investigating agency.

7. The appeal is disposed of.

8. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)

**Divya*