



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

CRIMINAL APPEAL NO. 229 OF 2025

Mohd. Shoyeb s/o. Abdul Hamid Vs. State of Maharashtra and Anr.

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

Court's or Judge's orders

Mr. D. S. Khushalani, Advocate for Appellant.
Mr. Anant Ghogare, A.P.P. for the Respondent/State.
Mr. V. V. Sharma, Advocate for Respondent No.2.

CORAM : MRS. VRUSHALI V. JOSHI,J.

DATED : 23/09/2025.

. The appellant is apprehending the arrest in connection with Crime No.63/2025 registered at Police Station Khallar, District Amravati for the offences punishable under Sections 74, 78 of the Bharatiya Nyaya Sanhita, 2023, Section 12 of the Protection of Children From Sexual Offences Act, 2012 and Section 3(1)(w)(i) of the Scheduled Casts and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is alleged that on 25.03.2025 the victim, who is 17 years of age was returning from her typing class by bicycle, at that time, the appellant approached her and put his mobile handset in her hand and asked her to dial her number from his mobile. At that time, her uncle and his friend came from front side and asked her what happened. She narrated the incident to them. Thereafter, the crime is registered.

3. The learned Counsel for the applicant has stated that the applicant is protected by this Court by granting *ad interim* anticipatory bail.

4. The allegations itself shows that there was no any sexual intention. The applicant is deaf and dumb. Only because of enmity between the two families, the crime is registered against this person. The NC is also lodged after filing of the First Information Report. The learned Counsel for the applicant has pointed out that there is no question of flouting the conditions of the bail as the NC was registered on 16.04.2025 and this Court has granted interim protection on 29.04.2025. The bail was rejected by the Trial Court on 23.04.2024, therefore, there is no question of any threats given by the applicant and his family members after granting the interim protection. Hence, prayed to confirm the protection granted by this Court.

5. The learned A.P.P. has stated that the charge-sheet is filed. Considering the allegations, the application be rejected.

6. The learned Counsel for the victim has stated that the family members of the applicant are giving threats. The NC is registered. The appellant and the victim are residing in the same village. The appellant is not deaf and dumb. He is having some difficulty in speaking. Therefore, prayed to reject the application.

7. Heard the learned Counsel for the respective.

8. Considering the allegations made in the First Information Report itself shows that no sexual intention was there. The learned Counsel for the victim has stated that the appellant is deaf and dumb. Merely putting a Mobile handset in someone's hand cannot be considered as

an intention of the sexual assault or harassment. No offence is made out under the Protection of Children From Sexual Offences Act. There is no utterance of the words about the caste, therefore, the offence under the Atrocities Act will not be attracted. Hence, the interim protection granted by this Court on 29.04.2025 is confirmed on the same terms and conditions.

9. The Criminal Appeal stands disposed of accordingly.

10. Pending application(s), if any, stand(s) disposed of.

11. The fees of the appointed Counsel be quantified as per Rules.

(MRS. VRUSHALI V. JOSHI, J.)