



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

CRIMINAL APPLICATION(ABA) NO. 726 OF 2025

Kamil Ali Shoeb Ali Meersaheb Vs. State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Sangram V. Sirpurkar, counsel for the applicant.

Mr.Nitin Rode, APP for the State.

Mr.R.B.Khan, counsel for the non-applicant No.2.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 18/12/2025

1. The applicant is apprehending his arrest in Crime No.249 of 2025 registered with Police station Hivarkhed, District Akola for the offences punishable under Sections 64 and 69 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 5(l) and 6 of the Protection of Children From Sexual Offences Act, 2012.

2. It is alleged that the applicant was teaching in the College. He used to take tuitions of Art's students. At that time, the victim was in 12th standard. They became friends. The allegations are made that one day he took her on the terrace and had forcible sexual relations with her. Thereafter, he continued to have sex with her. The allegations are made that

he gave assurance of marriage and then he had relations with her. When, she came to know that he had blocked her on mobile, she had lodged the complaint making allegations of rape.

3. The learned counsel for the applicant has stated that the applicant and the victim were having love affair. She has made allegations that the first incident of sexual relations was taken place, when she was minor and thereafter it was continued.

4. It is further submitted that the applicant has lodged complaint and N.C was registered as the victim has created a scene at his house and given threats of dire consequences.

5. The learned counsel for the complainant has objected to continue the interim protection as after the order passed by this Court on 27.09.2025 the applicant and his brothers took the victim to his house, gave threats to withdraw the application and took the photographs and threatened that they will make it viral and therefore, the NC was registered. As the applicant has flouted the condition of the bail hence, prayed to reject the application.

6. The learned APP has opposed the application stating that the investigation is completed and the charge-sheet is filed. Both of them have filed NCs against each other. Considering the NCs filed by both of them, prayed to reject the application.

7. Heard both the sides and perused the record.

8. It appears from the record that it is the case of the sexual relation between two adults with consent. The relations were out of love affair. Both of them had consented for sexual relations and after break up, the victim has lodged the complaint that at the first incident, when he had sexual relations with him, she was minor and the crime under the Protection of Children From Sexual Offences Act is registered. After going through the NC lodged by the victim, it appears that though the incident took place on 27/09/2025, it is lodged on 13.10.2025. The learned counsel for the non applicant No.2 has stated that they went to the police station, police have denied to accept the NC and thereafter they went to the SP and the NC is registered. The rejoinder is filed by the applicant and has stated that after granting interim protection to this applicant on 27.09.2025 the victim went to the house of the applicant and had created scene and has given the threats that she will kill herself or commit suicide and implicate all the family members in the said case. Immediately, the applicant has lodged the complaint and the NC was registered on 27.09.2025 itself. Considering the delay in lodging NC of said incident and as the victim was having affair with the applicant and only because there is breakup, she has lodged the complaint and now opposed the application for anticipatory bail. The case is made out to confirm the interim

protection granted on 24.09.2025 on the same terms and conditions as the NCs are there, Hence, the following order-

- i] The application is allowed.
- ii] The order dated 24.09.2025 granting ad-interim anticipatory bail is confirmed.
- iii] The applicant shall attend the concerned police station as and when called by the investigating officer.
- iv] The applicant shall not enter into Talegaon village, where the victim is residing.
- v] The application stands disposed of.

JUDGE