



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

CRIMINAL APPLICATION (ABA) NO. 869 OF 2024

Shaikh Sohel s/o Shaikh Zahed Vs State Of Maharashtra and another.

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

Court's or Judge's Order

Mr. M.N. Ali, counsel for applicant.

Mr. A.M. Ghogre, APP for non-applicant/State.

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

1. Apprehending the arrest at the hands police in connection with Crime No. 663/2024 registered under Section 74, 75(1), 75(1)(i), 64(2)(f), 49, 351(3), 352, 3(5) of the Bhartiya Nagarik Suraksha Sanhita (BNS), 2023 at Badnera Police Station, District Amravati, the applicant approached this court for grant of pre-arrest bail.

2. The crime is registered on the basis of the report, lodged by the informant on an allegation that the applicant and his her brother in law i.e. husband of her husbands sister and since beginning i.e. since the inception of her marriage, he had a bad intention about her and he used to touch her in appropriate manner. Though she made a complaint to her husband, husband has ignored the same. On the contrary, she was harassed on that count. She further alleged that on 04/10/2024, the mother in law of the informant forced her to take the room to the applicant as soon as he entered in the room, the applicant

forcefully garbed her covered her month and subjected her for the physical relationship. On the basis of the report, police have registered the crime against the present applicant. He submitted that out of matrimonial dispute, only because he is the relative of the husband, he is implicated with the false allegation. As far as the custodial interrogation is concerned, which is not required, in view of that, he be protected by granting anticipatory bail.

3. Learned APP and learned counsel for the complainant strongly opposed the said application and submitted that applicant has subjected the victim for the forceful sexual assault, and therefore, considering the nature of the offence, the application deserves to be rejected.

4. On perusal of the recitals of the FIR and the other investigation papers, it reveals that due to the relationship between husband, he appears to be implicated in the alleged incident. As far as whether he has subjected her for the sexual assault or not, is a matter of evidence. At this stage, considering the nature of the allegations, admittedly his custodial interrogation is not required. As far as the interrogation part is concerned, which can be taken care of by imposing certain conditions on the present applicant. In view of that, I proceed to pass the following order.

- a] In the event of the arrest in connection with Crime No. 663/2024 registered under Section

74, 75(1), 75(1)(i), 64(2)(f), 49, 351(3), 352, 3(5) of the Bhartiya Nagarik Suraksha Sanhita (BNS), 2023, the applicant – Shaikh Sohel s/o Shaikh Zahed, shall be released on anticipatory bail on executing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

- b] The applicant shall attend the concerned police station twice in a week on Monday and Thursday between 10.00 a.m. to 01.00 and shall cooperate with the investigating agency.
- c] The applicant shall not enter into the vicinity of Shirkhed Tah. Chandurbazar, District Amravati till culmination of the trial.
- d] The applicant shall not induce, threat of promise any witnesses who are acquainted with the facts of the case.

5. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]