



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

CRIMINAL APPEAL NO.632 OF 2025

MOHAMMAD ALI SUBHAN ALI
VS
THE STATE OF MAHARASHTRA AND ANOTHER

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

Court's or Judge's order

Shri S.V. Sirpurkar, Advocate for appellant.
Shri B.M.Lonare, APP for respondent/State.
Ms. A.V. Mishrikotkar, Advocate for respondent no. 2.

CORAM : NEERAJ P.DHOTE, J.
DATE : 04/03/2026

Heard the learned counsel for the Appellant, the learned APP for the State and the learned counsel for the Respondent no. 2 – Victim. Perused the papers on record.

2. The Appellant is the accused in Crime No. 0270/2025, dated 29/09/2025 registered with the Ramdaspath Police Station, District Akola for the offences punishable under Sections 64(2)(m), 89, 296, 351(2) & 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short, 'B.N.S.') and for the offences punishable under Sections 3(1)(w)(ii), 3(1)(w)(i), 3(2)(va), 3(2)(v), 3(1)(r) & 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC & ST Act'). The said crime is registered on the report lodged by the Respondent no. 2-victim.

3. It is the prosecution's case that, the victim was working along with other labourers at the brick-kiln of the Appellant. The Appellant and Respondent no. 2 came in

contact with each other. The Appellant committed sexual intercourse with Respondent no. 2-victim on several occasions by giving the promise of marriage. When the victim got engaged with one person, the Appellant asked her to break the engagement. The Appellant compelled the Respondent no. 2-victim to have the pills for abortion. Thereafter, the Appellant avoided the Respondent no. 2-victim and did not marry her.

4. Undisputedly, the victim was major. The FIR *prima facie* shows that, the relations between the Appellant and the Respondent no. 2 were consensual. The investigation is over and charge-sheet is filed. The learned Trial Court rejected the Bail Application of the Appellant by order dated 12/12/2025 passed below Exh. 5 in Special Case (Atro.) No. 234/2025 on the ground that, there was a threat to the life of the victim. The observations in the impugned order shows that, the Respondent no. 2-victim had given in writing that, she apprehends mishap with her. Considering the facts and circumstances of the case, the Appeal can be allowed by imposing appropriate conditions on the Appellant. Hence, the following order:-

ORDER

I) The Appeal is **allowed**.

II) The impugned order dated 12/12/2025 passed by learned Trial Court below Exh. 5 in Special Case (Atro.) No. 234/2025, is hereby quashed and set aside.

III) The Appellant be released on bail on furnishing

PR. bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one surety in the like amount.

IV) Bail before the Trial Court.

V) The Appellant shall not tamper with the prosecution evidence in any manner.

VI) The Appellant shall attend the concerned Police Station with which the Crime is registered, once in a month i.e. on the last Monday of every month, till the trial is over.

VII) The fees of the learned Advocate appointed to represent the Respondent no. 2-Victim is quantified for the Appeal at Rs. 7,500/- [Rupees Seven Thousand Five Hundred Only], which shall be paid by the High Court Legal Services Sub-Committee, Nagpur.

VIII) Accordingly, the Appeal stands **disposed of**.

(NEERAJ P. DHOTE, J.)