

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

CRIMINAL APPLICATION NO. 121 OF 2026

Shaikh Razik Shaikh Jabir

..vs..

State of Maharashtra

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

Court's or Judge's orders

Shri Z.Z. Haq, Advocate for the applicant.
Shri V.A. Thakre, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 16.02.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No. 355 of 2025 registered with the Ramdaspath Police Station, Akola for the offence punishable under Sections 69, 115(2), 351(2), 351(3), 318(2)(4), 64, 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023.

3. The FIR was lodged by the victim alleging physical and sexual assault and rape under the pretext marriage by the applicant.

4. Learned Counsel for the applicant submits that by no stretch of imagination the allegation of rape has been made out. Initially, the victim was married with another person, however when the relationship between the victim and the present applicant, was revealed to husband, he divorced the victim. It is submitted that there is nothing on record to show that the present applicant raped the victim and that there was forceful sexual assault. On the contrary the FIR itself specifically

state that the applicant and the victim developed sexual relations with consent before obtaining the divorce from first husband of the victim. And therefore, the applicant deserves to be enlarged on bail.

5. On the other hand, learned APP opposes the application by filing affidavit-in-reply, which is taken on record. He further invited my attention to the complaint, wherein initially the complaint was made to the Police Inspector, Police Station Ramdaspath, however this complaint was sent to the Woman Grievance Redressal Forum, as there was no settlement, the FIR came to be registered. He submits that the applicant not only sexually abused her but also cheated her by sending their photographs to her husband, which resulted into the divorce. Therefore, the application deserves to be rejected.

6. I have heard both the parties and perused the record. It appears that sexual relationship developed between them with mutual consent. In the year 2020 the victim got divorced from her first husband. Later on, the applicant and the victim got married. However, as there was harassment and ill treatment to the victim by the applicant and also the applicant had taken her gold ornaments worth Rs.2.5 lakhs, therefore, the victim filed a complaint with the Police Station. Admittedly, perusal of the entire material on record reveals that both are major and there was consensual relationship between the applicant and the victim. Therefore, it is very difficult to say that the applicant raped the victim. Considering the above peculiar fact, I am inclined to enlarge the

applicant on bail, on certain terms and conditions.
Hence, the following order

- (a) The application is allowed.
 - (b) The applicant Shaikh Razik Shaikh Jabir in connection with Crime No. 355 of 2025 registered with the Ramdaspeth Police Station, Akola be released on bail on furnishing P.R. bond of Rs.50,000/- with one or two sureties in the like amount.
 - (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
 - (d) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
 - (e) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)