



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

CRIMINAL APPLICATION (ABA) NO. 273 OF 2026

Sheikh Shahid s/o Sheikh Pyare Saheb Rahman
Vs
State of Maharashtra and another.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Shaikh Sabahat Ullah, with Mr. Syed Salman Ali, counsel for applicant.
Ms. M.R. Kavimandan, APP for non-applicant/State.
Mr. S.P. Chaware, counsel for non-applicant No.2.

CORAM: RAJNISH R. VYAS, J.

DATED : 04/05/2026

1. Heard the respective counsels.
2. Apprehending arrest, the sole accused has approached this Court in connection with FIR No. 71 of 2026, dated 04/02/2026, registered with Police Station Tahsil, Nagpur, District Nagpur, for the offence punishable under Sections 69, 352 of the Bharatiya Nyaya Sanhita, 2023.
3. The informant is a lady of 30 years old. Her marriage was performed with one Pranay in the year 2022, but since said Pranay was having an extramarital relationship, the informant did not stay at Pranay's house for a single day.
4. It is alleged in the FIR that on 10/11/2025, the applicant expressed his love for her and also put the proposal for marriage. Thereafter, on several occasions,

the applicant had a physical relationship with the informant. It was further alleged that when the informant asked about performance of marriage, the applicant assured her that same would be performed.

5. On 31/01/2026, the family members of the applicant visited the house of victim for discussing the proposal of marriage, but on that day priest did not come therefore, marriage could not solemnized. Thereafter, a quarrel took place between the family members of the informant and applicant, and at that time, according to the FIR, the family members of the applicant and applicant abused the victim and her family members and also stated that the applicant would not marry the victim. It was further alleged that on 04/02/2026, again when the victim asked about the performance of marriage, the applicant abused and refused to perform the marriage.

6. It is in this background, the learned counsel for the applicant has argued that the relationship was consensual and there was no fraudulent intention at the initial stage. He further submitted that, in fact, family members of the applicant had been to the house of the victim regarding the marriage proposal, but a quarrel took place and ultimately matter took an unfortunate turn.

7. He submitted that, as per the order passed by this Court, he has attended the concerned police station and cooperated with the investigating agency.

8. Per contra, the learned APP has argued that applicant has criminal antecedents and offence under the provision of Protection of Children from Sexual Offences Act was registered against the applicant, in which he was granted regular bail.

9. According to the learned APP, in the order granting bail on 21/01/2026, in the said crime, condition No.5 was put that applicant shall not commit similar crime while on bail which is breached by the applicant by committing present offence. She further submitted that investigation is still in progress.

10. The learned counsel for the victim has argued that the applicant has criminal antecedents, which shows the tendency of the applicant to commit similar type of offences. He further submitted that applicant had assured the victim regarding performance of marriage but did not fulfill the same, and therefore, a prima-facie case is made out against the applicant.

11. With the assistance of the respective counsel, I have gone through the record of the case. The victim of crime is 30 years old, whereas the present applicant is 26 years old. The victim of crime was a married lady when the applicant had put the proposal of marriage to her. Thus, it cannot be ignored that there was an obstacle in performing the marriage.

12. So far as the contention of the learned APP that

the applicant has breached the condition imposed while granting bail dated 21/01/2026 is concerned, suffice it to say that an appropriate application in those proceedings can always be filed by the investigating agency, if so advised.

13. As far as the contention of the learned APP that there was a proposal of marriage which was not fulfilled by the applicant is concerned, it can be said that, even according to the FIR, the family members of the applicant and applicant himself had been to the house of victim for discussing the proposal of marriage where a quarrel took place. Therefore, a prima facie case is made out by the applicant. The applicant has attended the concerned police station and has rendered his cooperation.

14. In that view of the matter, I proceed to pass the following order.

ORDER

- a] The Criminal Application is **allowed**.
- b] In the event of arrest, in connection with FIR No. 71 of 2026, dated 04/02/2026, registered with Police Station Tahsil, Nagpur, District Nagpur, for the offence punishable under Sections 69, 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant- ***Sheikh Shahid s/o Sheikh Pyare Saheb Rahman***, be released on bail on furnishing a P.R. bond of Rs.

25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.

- c] The applicant shall attend the concerned Police Station as and when required.
- d] The applicant shall not tamper with the prosecution evidence or threaten the prosecution witnesses and shall cooperate with the investigation.
- e] The applicant shall not leave India without prior permission of the Court.

(RAJNISH R. VYAS, J.)