



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

CRIMINAL APPLICATION (ABA) NO. 263 OF 2026

Mohammad Atiq Mohammad Shafiq Vs State of Maharashtra

AND

CRIMINAL APPLICATION (ABA) NO. 311 OF 2026

Mohammad Nasir Mohd. Shafique Vs State of Maharashtra

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. Moin Imran Khan Mukhtar Khan, counsel for applicant (thr. V.C.) in both the applications.

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

CORAM: RAJNISH R. VYAS, J.

DATED : 04/05/2026

1. Heard the respective counsels.
2. Apprehending arrest, in Criminal Application (ABA) No. 263 of 2026, the accused Mohammad Atiq Mohammad Shafiq, and in Criminal Application (ABA) No. 311 of 2026, the accused Mohammad Nasir Mohd. Shafique, have approached this Court, in connection with the First Information Report No. 317 of 2026, registered with Police Station, Balapur, District Akola for the offence punishable under Sections 3(5), 351(3), 351(2), 115(2) and 74 of the Bharatiya Nyaya Sanhita, 2023.
3. In short, it is the case of prosecution in the FIR that the victim of the crime initially accepted a friend

request from the accused named Nasir on social media and also accepted a mobile phone.

4. According to the FIR, prima-facie it reveals that the present applicant caught hold of the hand of the informant girl and thereafter hugged her. In the FIR, it is alleged that applicant Nasir on several occasions insisted for friendship with the informant. Finally it was stated that 6 to 7 days prior to the lodgment of the FIR, when the informant was standing near the house, the applicant – Nasir caught hold of her hand and hugged her. On 21/03/2026, when the father and the brother of the informant questioned the applicant, both the applicants abused and assaulted him by fist blows.

5. In this background, the learned counsel for the applicant argued that on perusal of the FIR, it would reveal that, prima-facie, the relationship was consensual. He further submitted that, as per ad-interim relief granted by this Court, the applicants have cooperated with the investigating agency. He further submitted that applicants have no criminal antecedents.

6. Per contra, the learned APP has contended that, though the applicants have attended the concerned police station, the chargesheet yet not filed. He did not dispute that applicants have no criminal antecedents.

7. Considering the fact that the applicants have no criminal antecedents and the victim on the earlier

occasions had accepted mobile phone from one of the applicants, prima facie case is made out by the applicants, I thus pass the following order.

ORDER

- a] The Criminal Application (ABA) No. 263 of 2026 and Criminal Application (ABA) No. 311 of 2026 are **allowed**.
- b] In the event of arrest, in connection with Crime No. 317/2026, registered with Police Station, Balapur, District Akola, for the offences punishable under Sections 3(5), 351(3), 351(2), 115(2) and 74 of the Bharatiya Nyaya Sanhita, 2023, the applicants in ***Criminal Application (ABA) No. 263 of 2026 – (Mohammad Atiq Mohammad Shafiq)*** and ***in Criminal Application (ABA) No. 311 of 2026 – (Mohammad Nasir Mohammad Shafique)***, be released on bail on furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with one solvent surety in the like amount.
- c] The applicants shall attend the concerned Police Station as and when required.
- d] The applicants shall not tamper with the prosecution evidence or threaten the prosecution witnesses and shall cooperate

with the investigation.

- e] The applicants shall not contact the victim girl in any manner or visit the house of the victim. Breach of this condition would give cause to the prosecution to move for cancellation of bail.
- f) The applicants shall not leave India without prior permission of the Court.

(RAJNISH R. VYAS, J.)