

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1930 OF 2023**

1. Imran Aayub Shaikh,
Age: 31 years, Occ.: Business,
R/o Aayesha Colony, Kopargaon,
Dist. Ahmednagar.
2. Faiyyaj Wahab Kureshi,
Age: 45 years, Occ.: Business,
R/o 5, Kopargaon, Dist. Ahmednagar ..Applicant

Versus

The State of Maharashtra,
Through Kopargaon Police Station,
Dist. Ahmednagar. ..Respondent

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Mr. N. S. Ghanekar, Advocate for the Applicants.
Mr. K. S. Patil, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 06th NOVEMBER, 2023.**

PER COURT:-

1. The applicants seek Regular Bail in connection with Crime No.0331 of 2023 registered with Kopargaon Police Station , District Ahmednagar, dated 12.07.2023 for offence punishable under Sections 376, 363, 354, 328, 295, 295-A, 298, 504, 506 read with Section 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of information given by the victim aged about 20 years. She alleges that the accused Sayam had developed relations with her in social media/networking. They were consistently in touch with each other. In the year 2021 accused Sayam made a trap of love affair with her. He used to visit the place of the victim. However, on 21.05.2023, the accused had been to Kopargaon along with his companions. They insisted victim to accompany them to the Madarsa at village Khadki. The accused persons outraged her modesty. It is further alleged that the accused

Sayam had forcible sexual intercourse with her, snapped photographs and videographed her in the company with him. It is further alleged that the accused Sayam took her to another Maulana and forcibly got uttered the religious prayer for converting to Islam and insisted her to follow the Islamic rituals. Based on such allegations, the Crime No.331/2023 came to be registered against the accused persons for the aforesaid offences. The applicants have been arrested in pursuance of the aforesaid crime on 12.09.2023. The investigation progressed and charge-sheet has been filed against all the five accused, including the applicant.

3. Mr. Ghanekear, learned Advocate appearing for the applicants would submit that the role attributed against the applicants does not attract offence punishable under Sections 376, 363, 354, 328, 295, 295-A, 298, 504, 506 read with Section 34 of the Indian Penal Code. He would submit that the limited role is attributed against the applicants that when victim was carried to the Madarsa at Khadki, the applicants had accompanied the victim and they had sexually molested her. The rest of the allegations are against the accused Sayam Kureshi. Hence, he urges to release the applicant on bail.

4. The learned APP opposes the prayer. He submits that the offences are serious in nature. A tender aged girl was trapped under the pretext of love affair and the conversion of the religion was given effect and applicants have played an important role.

5. Having considered submissions advanced, it is important to note here that the complaint in respect of the alleged incident dated 21.05.2023 has been lodged on 11.07.2023. There is delay of almost 52 days in lodging the FIR. The limited role is

attributed against the applicants that they accompanied main accused in incident dated 21.05.2023. Further allegations are omnibus. No specific over-tact is attributed against them to make out offence under Section 354 of the Indian Penal Code. Rest of the allegations making out graver offences are against accused Sayam. The applicants have been arrested on 12.09.2023. The investigation in the matter is complete. The charge-sheet is filed. Further detention of the applicant would not be necessary. In that view of the matter, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Imran Aayub Shaikh and Faiyyaj Wahab Kureshi be released on bail in Crime No.0331 of 2023 registered with Kopargaon Police Station, District Ahmednagar, dated 12.07.2023 for offence punishable under Sections 376, 363, 354, 328, 295, 295-A, 298, 504, 506 read with Section 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicants shall not tamper with the prosecution evidence in any manner.
 - b. The applicants shall not establish contact with the victim or any other witnesses named in the charge-sheet.
 - c. The applicants shall stay away from the Municipal limits of Kopargaon for next six months.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE