



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1151 OF 2024

Taher Tayyab Pathan,
Age-32 years, Occu:Business,
R/o-Madina Nagar, Mudhalwadi,
Pimpalwadi (Pirachi), Tq-Paithan,
Dist-Aurangabad,
Presently R/o-At-Usman Park,
Deolai Road, Aurangabad.

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr. Abhaysinh K. Bhosle Advocate for Applicant.
Ms. P.R. Bharaswadkar, A.P.P. for Respondent – State.
...

CORAM: S.G. MEHARE, J.

DATE : 30th JULY 2024

ORDER :

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No. I-164 of 2024 registered with Satara Police Station, District-Aurangabad for the

offence punishable under Sections 376, 376(2)(N), 377, 420, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. The applicant has a case that he is falsely implicated in the crime. He never committed forceful sex with the victim. She was living with the applicant as wife at many places. One crime was registered against her for extracting money under the threat of committing rape. The applicant never forced her to convert to the Muslim religion. However, to make the offence serious, such false allegations have been levelled against him. Nothing is to be recovered from the applicant. Hence, he may be granted bail.

4. Learned APP submits that the victim has produced the photographs showing that the applicant keeps relations with the other girls. His main object is to convert the women to Muslim religion. He is harmful to the society. The applicant did not disclose his identity to the victim that he belongs to another religion. Hence, bail may not be granted to him.

5. Perused the papers. It appears that the victim and applicant were residing together at various places as husband and wife. The investigating officer has not made the

investigation from the girls whose photographs, the victim had placed before him, whether the applicant exploited them. Whether she was forced to convert the religion, is a matter of evidence. In view of the fact of consensual relationship, the applicant deserves bail. However, to protect the interest of all the concerned, certain conditions are to be imposed. Hence, the following order:-

ORDER

- i) Bail Application stands allowed.
- ii) The applicant – Taher Tayyab Pathan be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in the above crime, on the condition that:-
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall not contact the victim in any mode or manner till the conclusion of the trial.
 - (c) The applicant shall not involve in the crime of converting the girls to any other religion.

(d) The applicant shall attend the trial on each and every effective date.

(e) The applicant shall attend the concerned police station on every first Monday of the month between 10.00 a.m. to 1.00 p.m., till conclusion of the trial.

[S.G. MEHARE, J.]

asb/JULY24