

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1225 OF 2024

Afroz Kureshi Ayub Kureshi

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Dargad Swapnil Sunilkumar

APP for Respondent/State : Mr. S.B. Pulkundwar

Advocate for Respondent No.2 : Mr. S.B. Kendre

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 23, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent no.2/victim.
2. The applicant seeks bail in Crime No.316 of 2024 registered with Kalamnuri Police Station, District Hingoli for the offences punishable under Sections 354-D, 376(1), 506 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act.
3. Learned counsel for the applicant has vehemently argued that it was a consensual sex. The applicant was ready to marry the victim. However, she was denying to marry him. False allegations of taking the photographs of doing sex with her have been levelled against the applicant. The false allegations have been levelled against

him that he was threatening her to marry him and if she would not marry him, he would viral her naked and other photographs.

4. Learned counsel for the applicant submits that the applicant never denied to marry her. However, she was not willing to marry him. Therefore in the meantime, the applicant got married. Even today, the applicant is ready to marry her.

5. Learned APP and learned counsel for the victim would submit that the allegations are very specific that the victim was not willing to develop relationship with the applicant but he was consistently following her and finally, he was succeeded in winning her consent. The applicant was going to the house of the victim for sex. He, under the pretext of marriage, did forceful sex with her. When she got pregnant from the applicant, she asked him to marry her. However, he tactfully avoided it and denied that the child in her own is his. They would submit that the child is born to the victim from the applicant. Under the false promise of marriage, the applicant enjoyed sex with her and suddenly got married. There are other crimes against him. Since the applicant has been arrested in this crime and languishing in jail, he is falsely submitting that he is ready to marry her. If the applicant would be released on bail, he may cause harm to the victim and her child. Hence, bail may not be granted.

6. Perused the detailed FIR. It indicates that the applicant was consistently following the victim though she was not willing to

maintain relationship with him. However, due to his consistent following, she developed the relationship. The applicant was going to the house of the victim at Parbhani and doing sex. Specific allegations have been levelled against the applicant that he snapped the photographs doing sex with her. The victim told the applicant about her pregnancy and asked to him marry her. But he was avoided. He even did not let her abort the child. The allegations against the applicant are specific on his conduct. *Prima facie* evidence is available against the applicant that he did sex with the victim under the promise to marry and she delivered a child. The conduct of the applicant must be noted that in the meantime, he married another girl. Therefore, the submission that he is ready to marry the victim cannot be believed to be bona fide. The offence is serious. The apprehension of the prosecution causing harm to the victim and her child has substance. Hence, the application stands dismissed.

(S.G. MEHARE, J.)