



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

ANTICIPATORY BAIL APPLICATION NO. 1488 OF 2023

KALIM NABI SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Nilesh S. Ghanekar, Advocate for Applicant

Mr. S.B. Jadhav, APP for Respondents – State

Mr. R.R. Bangar, Advocate for Assist to APP

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 17th JANUARY, 2024

PER COURT :

1. Applicant apprehends arrest in Crime No.0331/2023, registered with Kopargaon Police Station, Ahmednagar, for offences punishable under Sections 376, 363, 354, 328, 295, 295(A), 298, 504, 506 r/w 34 of the Indian Penal Code.

2. FIR in question is lodged by prosecutrix alleging that accused Sayam Qureshi developed acquaintance with her through Instagram, in the month of December, 2019. They were in contact with each other for about one year. The acquaintance developed into love relationship. Sayam used to visit Kopargaon. On 21/05/2023, he called victim to Kopargaon Bus Stand. When victim denied, Sayam threatened that he will kill her parents. Therefore, victim went to Kopargaon Bus Stand. At that time, co-accused including present applicant were present there along with accused

Sayam. They insisted that victim should accompany them to Madarsa near village Khadki. When victim denied, all accused persons forcibly took her to a lonely place and outraged her modesty and took her to Madarsa. Accused Sayam made victim drink water due to which she lost her consciousness and then established physical contact with her. Thereafter accused forced her to come to Indore, where again he had forcibly made sexual intercourse with victim under the threats of making her photographs and video viral. Victim alleged that from time to time other accused persons used to loiter around her house. Applicant used to give threats that he would kill family members of victim, he would sell her and family of victim should solemnize marriage of victim with Sayam.

3. Heard learned advocate for applicant, learned advocate for informant and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. Learned Additional Public Prosecutor and learned advocate for informant have strenuously opposed the application stating that serious offence is committed by applicant and therefore, he is not entitled for discretionary relief of bail.

5. Other accused persons including main accused Sayam were arrested. Sayam is still behind the bars and all other accused

persons are granted regular bail. Charge-sheet is filed in the present matter and the case is committed to Sessions Court and is numbered as Sessions Case No.50/2023.

6. Considering the allegations made against applicant and the fact that applicant was protected and he has co-operated in the investigation, custodial detention of applicant is not necessary.

7. In the result, application is allowed in terms of interim protection granted vide order dated 08th September, 2023, on same terms and conditions.

(NITIN B. SURYAWANSHI, J.)