



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 ANTICIPATORY BAIL APPLICATION NO. 240 OF 2025
WITH
CRIMINAL APPLICATION NO. 548 OF 2025 IN ABA/240/2025

ABDUL KALEEM AHMED ABDUL RAHEEM & ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Chatterji Joydeep
APP for Respondents/State : Mr. S.P. Sonpawale
Advocate for assisting APP : Mr. Sachin S. Deshmukh

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WITH
ANTICIPATORY BAIL APPLICATION NO. 260 OF 2025

MOHAMMAD RIZWAN MOHAMMAD ZAKIR
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. G.R. Syed
APP for Respondent/State : Mr. S.P. Sonpawale

...

WITH
ANTICIPATORY BAIL APPLICATION NO. 275 OF 2025

SHAIKH KHAJA SHAIKH MAHEBOOB
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. S.J. Salunke
APP for Respondents/State : Mr. S.P. Sonpawale

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CORAM : ARUN R. PEDNEKER, J.

DATE : 13/03/2025

PER COURT :

1. Criminal Application No. 548/2025 in ABA No. 240/2025, filed for assist to APP is allowed. Mr. Sachin Deshmukh, learned advocate is allowed to assist the learned APP in ABA 240/2025.
2. Heard the learned counsel for the applicants, the learned APP for the respondents-State and Mr. Sachin Deshmukh, learned advocate assisting APP in ABA No. 240/2025.

3. The applicants in above applications are apprehending arrest in connection with Crime No. 27/2025 dated 20.1.2025 registered with New Mondha Police Station, Parbhani for the offences punishable under sections 296, 352, 333, 351(2), 351(3), 115(2), 189(2), 191(2), 190, 76 of B.N.S., 2023.

4. The case against the applicants is registered by the informant Mr. Tamboli Abdul Rahaman Abdul Rashid, who is serving in Government Hospital Parbhani as Assistant Professor. He has another house near Makka Masjid in Parbhani. The informant has reported that on 17.1.2025 at 4.30 p.m. when he had gone to his house at Parbhani, he saw that large crowd had gathered there and they stopped him from going inside the house. When he entered inside, his mother, father and brother were present in the house. Ex-corporator, (Khaja – applicant in ABA No. 275/2025) and other applicants were also present there. On being asked why people have gathered there, his mother told him that the ex-corporator asked them to vacate the house in which they were residing as it belongs to Makka Masjid. Complainant informed to ex-corporator and other applicants that prior to five years the said land was purchased by the father of informant and it belongs to the family of informant. At that time Tajoddin Pathan (applicant in ABA No. 240/2025) has abused the informant and his mother (Dr. Rafat) in filthy language and pulled the mother of the informant by holding her hands and assaulted the informant on stomach, chest, ribs by fist and kick blows. Thereafter, Kaleem Boss (applicant in ABA No. 240/2025), Rizwan (applicant in ABA No. 260/2025), Abdul Majid and other 10 to 15 persons also assaulted informant and caused bleeding injuries on lips, nose and ear of the informant. As such, the offence is registered against the applicants.

5. Mr. S.J. Salunke, learned counsel appearing for the applicant in ABA No. 275/2025 submits that the applicant is the Chairman of the Masjid Committee and genesis of the offence is suppressed. The actual incident is that the brother of the informant namely Dr. Abdul Salam was in the premises along with another lady Dr. Neha Tarannum. They had closed the doors of the room and had indulged in illicit activity of physical intimacy. When the people from the vicinity came to know about them, the mob had gathered before the room at 5.00 p.m. The people from the vicinity entered into the room. They called parents of Dr. Abdul Salam and Dr. Neha and they assaulted Dr. Abdul Salam for immoral and illegal act. The learned counsel submits that Dr. Abdul Salam is already married, however, physically engaged with a junior doctor. After arrival of the parents, of the informant, he started abusing the people. It is stated that the applicant, who is residing in the same locality, came on the spot and tried to pacify the incident. Relatives of Dr. Neha Taranum insisted for performance of her marriage with the brother of the informant with whom she was found in the closed room. As such, marriage of Dr. Neha was immediately solemnized with Dr. Abdul Salam by calling a Kazi. The family members of the informant were against the said marriage. However, due to insistence of relatives of Dr. Neha and people from the vicinity, marriage was solemnized.

6. Mr. S.J. Salunke, learned counsel submits that applicant in ABA No. 275/2025 has not assaulted anyone nor outraged the modesty of any lady. Dr. Neha under the pressure of informant and his family members made the allegations of outraging the modesty against the applicants. The incident is recorded in the CCTV footage and in mobiles of the people present there.

He therefore prays to grant anticipatory bail to the applicant.

7. Mr. Joydeep Chatterji, learned counsel appearing for the applicants in ABA No. 240/2025 submits that allegations against the applicants are that they abused the informant and his mother. The incident occurred on 17.1.2025 and the F.I.R. is lodged on 20.1.2025 and as such, there is delay of more than three days in lodging the F.I.R. and the delay is caused only to implicate the multiple number of people in this crime. The learned counsel submits that at the most, it can be the offence of outraging the modesty and no custodial interrogation of the applicants in ABA No. 240/2025 is necessary. The learned counsel therefore prays to grant anticipatory bail to the applicants.

8. Mr. G.R. Sayed, learned counsel appearing for the applicant in ABA No. 260/2025 submits that the only allegation against the applicant is that he was present at the scene of offence and as all offences are bailable, anticipatory bail can be granted to the applicant.

9. Per contra, Mr. Sachin Deshmukh, learned counsel assisting APP in ABA No. 240/2025 submits that informant has suffered grievous injury during the incident and there is direct evidence of involvement of the applicants and as such, the anticipatory bail application of the applicants be rejected.

10. Mr. Sachin Deshmukh, learned counsel assisting APP further submits that affidavit of father of Dr. Neha Tarannum is produced along with police papers in which he has stated that the family members have themselves participated in the marriage and they have got the marriage performed and these documents only show the pressure exerted on the parents of Dr. Neha and as such, anticipatory bail applications should be dismissed on this

ground itself. The learned counsel submits that forceful performance of marriage of Dr. Neha with the brother of the informant would not entitled the applicants for grant of anticipatory bail.

11. The learned APP submits that during the course of investigation, statement of Dr. Neha Tarranum was recorded. She has stated that while there was fight between the applicants and the informant, she being the junior doctor was present there and tried to intervene in the incident, however, the applicants and others pulled her Burkha and outraged her modesty and thereafter, they forcefully performed her marriage with Dr. Abdul Salam, brother of the informant, by calling a Kazi, although Dr. Abdul Salam was already married. She has stated that she did not want to get married with brother of the informant (Dr. Abdul Salam) as he was already married with another woman. Her statement under section 183 of B.N.S.S. (Section 164 of Cr.P.C.) is also recorded to that effect.

12. The learned APP also submits that statement of Dr. Rafat w/o. Harun Rashid Tamboli, aged 65 years, mother of the informant is also recorded wherein she mentioned that ex-corporator as well as other people gathered at the place and have assaulted both his sons and also Dr. Neha and had insisted upon marriage of Dr. Neha with Dr. Abdul Salam. It is stated that the persons gathered there also grappled Dr. Neha and they insisted upon Dr. Neha to marry with Dr. Abdul Salam. Thereafter, they called Kazi to the place and forcefully performed her marriage with Dr. Abdul Salam. In her statement under section 183 of B.N.S.S. (Section 164 of Cr.P.C.), she has also stated that police were called and they also asked Dr. Neha that whether she is ready to marry, otherwise they will take her in custody and thereafter, they forcefully performed marriage of Dr. Neha with his son.

13. Injury certificate is also produced of Dr. Abdul Rahaman, informant, who suffered fracture on left chest and 9th and 10th ribs and has suffered grievous injury.

14. Having heard the learned counsel for the parties, at the outset, it can be said that assault is made by the applicants on informant, her mother and Dr. Neha. Informant has not stated anything about the incident of closed door interaction between Dr. Abdul Salam, brother of the informant and Dr. Neha. The complainant has suffered grievous injury in the assault by the applicants. From the police papers produced before me, more particularly, from 164 statement (section 183 B.N.S.S.) of Dr. Neha and 164 statement (section 183 B.N.S.S.) of Dr. Rafat, mother of the informant, it transpired that the marriage of Dr. Neha and Dr. Abdul Salam was performed on the spot by the crowd. This forceful performance of the marriage in violation of wishes of Dr. Neha and Dr. Abdul Salam and particularly, when Dr. Abdul Salam is already a married person attracts offence under various provisions of penal law, more particularly sections 350 and 366 of I.P.C. (sections 129 and 87 of B.N.S.). Informant has also suffered grievous injury and offence under section 117(2) of B.N.S. is also attracted and as such, at this stage of investigation, prima facie no case is made out for grant of anticipatory bail to any of the persons, who have participated in the assault and are responsible for the forceful marriage of Dr. Neha with Dr. Abdul Salam, under assumption that they were indulging in illicit relations.

15. The crowd has no right to interfere in the personal life of the doctors and force them to marry. Considering this aspect of the matter and considering that the informant has sustained grievous injury of fracture to

his ribs, anticipatory bail cannot be granted to the applicants. In view of the discussion made above, the applications are dismissed.

16. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

[ARUN R. PEDNEKER, J.]

SSC/