



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

943 BAIL APPLICATION NO. 398 OF 2025

**AFROZ KURESHI AYYUB KURESHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr.V.P.Raje
APP for Respondent-State : Mr.V.M.Jaware

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 17.06.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he is arrested on 19.06.2024 in connection with Crime No. 0316/2024, registered with Kalamnuri Police Station, Dist. Hingoli, for the offence punishable under Section 376 (1), 354-d, 506 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

3] The First Information Report is lodged on 14.06.2024. It is alleged in the FIR that while lodging the FIR, the victim is stated to be 21 years of age. When she was studying in 10th Standard in the month of June, 2019, the present applicant expressed his feelings to her.

Thereafter, the applicant demanded her mobile number and thereafter he continuously chased her and tried to express his feelings towards her. When she declined to come with him, he snapped her photos and threatened her that he would get photographs viral. It is further stated that in the month of September, 2022, when she was at her house with her grand mother, under the promise of marriage, the applicant had committed a rape with her. [Apparently, at that time, she was beyond 19 years of age]. The applicant used to insist on marriage and with threat that he would viral her photos. Due to their physical relation, she became pregnant. On 04.06.2024, she delivered a female baby. Meanwhile, the applicant performed marriage with some other girl.

4] At the outset, the learned counsel for the applicant submits that the relation between the applicant and victim was consensual and the applicant had intended to marry with her. The name of the applicant is also shown as father of the child. The applicant is arrested on 19th June, 2024. The charge sheet is filed and the applicant continues to be in jail from 19th June, 2024. The applicant submits that the applicant can also perform second marriage as the same is permitted in their religion followed by the applicant and the victim.

5] *Per contra*, the learned APP relies upon the judgment of the Supreme Court in the case of ***Pramod Suryabhan Pawar Vs. the State of Maharashtra & others*** reported in 2019 (9) SCC 608 and submits that on the false promise of marriage, the accused had maintained sexual relation with the victim. Therefore, the bail application of the applicant should not be granted.

6] It appears from the record that there is long standing relation between the applicant and the victim. *Prima facie*, the relation between the applicant and the victim was consensual and it would be the matter of trial whether the applicant had not intended to marry with her right from the inception of their relation. The investigation is complete. The applicant is in custody from 19.06.2024 and the trial Court would take substantial time to conclude the trial. In view of the same, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 0316/2024, registered with Kalamnuri Police Station, Dist. Hingoli, for the offence punishable under Section 376 (1), 354-d, 506 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant shall not enter the jurisdiction of concerned Police Station, during pendency of the trial.

c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

7] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal

of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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