



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

**ANTICIPATORY BAIL APPLICATION NO. 1190 OF 2025
WITH
CRIMINAL APPLICATION NO.3260 OF 2025 IN ABA/1190/2025**

Mateen Gaffar Sayyed

....Applicant

Versus

The State of Maharashtra and Another

.....Respondents

.....

Advocate for Applicant : Mr. Ravindra Madhavrao Deshmukh

APP for Respondents-State : Mr.A.M.Phule

Advocate for Assist to APP : Mr.Nikhil Jaiswal (Appointed through
Legal Aid)

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 AUGUST, 2025

PRONOUNCED ON : 19 AUGUST, 2025

ORDER :

1. Applicant seeks anticipatory bail in connection with crime bearing no.0295 of 2025 registered with Ghansawangi Police Station, District Jalna, for the offence punishable under Sections 376, 376(2)(n) and 376(2)(h) and 506 of the Indian Penal Code.
2. Criminal Application No.3260 of 2025 is filed for permission to assist learned APP. For the reasons mentioned in the application, the same is allowed and disposed of.

3. In support of relief, learned counsel submitted that there is delayed FIR. That, Informant has also impleaded her own husband. That, husband of Informant had borrowed money from present applicant. To avoid repayment, apparently there is false implication. Learned counsel submitted that, allegations are non-specific regarding date and time. That, in view of nature of allegations, no recovery or discovery is to be made. That, applicant is ready to co-operate in the investigation and hence, relief is urged for.

4. Learned APP as well as learned counsel for Informant both opposed application on the ground that, there are serious allegations of committing forcible rape on a married lady. They pointed out that, when husband also has been impleaded as accused no.2, bonafide of the Informant cannot be raised. That, as Informant went to her father's place and stayed there, there is delay in lodging FIR. For all above reasons, they both prayed to reject the application.

5. Heard. Perused the FIR dated 20-06-2025. Informant has reported that, her husband Faruk borrowed Rs.3,00,000/- loan from applicant and even started working in the Bakery of present applicant to repay the loan. She has alleged that, on 26-12-2023, while she was alone in the house, present applicant had forceful sexual

intercourse with her in spite of she already being pregnant. She claims that, she reported it to her husband, but he told her that they have dues and she would have to do such things and did not listen her. She claims that, in April 2024, when she had been to her father's place, applicant again forcibly raped her and therefore, she has lodged report.

6. From above discussion, it is clear that informant, who is married to co-accused, has levelled allegation of forcible rape on 26-12-2023 and second episode is reported to have taken place in April, 2024, however, present FIR is lodged on 20-06-2025. There seem to be hand loan transaction by her husband with present applicant, still when husband allegedly turned deaf ear to her complaint, she ought to have approached Police and even after second alleged episode at Majalgaon, immediately the incident of forcible rape ought to have been reported. Crime is apparently registered in June 2025 i.e. after inordinate delay of almost one and half year. Therefore, considering the above, further investigation can be carried out by seeking presence of the applicant. Accordingly, following order is passed.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with crime No.0295 of 2025 registered with Ghansawangi Police Station, District Jalna, for the offence punishable under Sections 376, 376(2)(n), 376(2)(h) and 506 of the Indian Penal Code, he shall be released on executing P.B. and S.B. of Rs.20,000/- with one surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station on every Wednesday and Friday till filing of chargesheet.
- (iv) Applicant shall co-operate in the investigation.
- (v) The applicant shall not tamper the prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE