



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

CRIMINAL APPEAL NO. 632 OF 2025

AYYUB KHAN AMIR KHAN PATHAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Shri Shaikh Abid R., Advocate for the Appellant.

Shri D.B. Bhange, APP for Respondent No.1/State.

Ms. Sabahat Kazi (appointed), Advocate for Respondent No.2.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 15 October 2025

P. C. :-

1. By this appeal, the appellant is praying for grant of regular bail in Crime bearing FIR No.193/2025 registered on 20.04.2025 with Chikhalthana Police Station, District Chhatrapati Sambhajinagar for offences punishable under Sections 351(3), 352, 64(1), 64(2)(M) of the Bharatiya Nyaya Sanhita, 2023, Section 66-E of the Information Technology Act and Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(1)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act').

2. The said FIR came to be registered on 20.04.2025

on the basis of the report dated 19.04.2025 lodged by respondent No.2/ informant stating therein that in the year 2021, she got acquainted with the appellant/ accused and thereafter, their friendly relationship converted into love relationship. They started contacting with each other and on the pretext of that relationship, the appellant is alleged to have committed forcible sexual intercourse with her. It is stated that the appellant used to take her to different hotels and lodges and he used to commit sexual intercourse with her. It is also alleged that the appellant also used to beat and assault the informant with fist blows. It is alleged that though she had tried to break her relationship with the appellant, however, he used to threaten her to publish her nude photographs on social platforms. Thus, by blackmailing her, he used to commit sexual intercourse on her. On the basis of aforesaid allegations, the said FIR came to be registered.

3. The appellant has been arrested on 21.04.2025 and since then he is behind bars. Investigation was set in motion and after completion of investigation, the charge-sheet came to be filed and the case has been registered as Special Case No.440/2025. The appellant filed application exhibit 7 in Special

Case No.440/2025 before learned Special Judge (Atrocities Act), Aurangabad, for regular bail. However, the said bail application has been rejected vide order dated 04.08.2025. Hence, this appeal for regular bail.

4. Learned advocate for the appellant submits that the appellant came to be arrested on 21.04.2025 and since then, he is behind bars. During the course of investigation, the Investigating Officer has drawn panchanama and also seized mobile handset of the appellant. He has also recorded statements of various witnesses. He has also referred the victim and the appellant for medical examination. The medical reports are also placed on record along with the charge-sheet. Learned advocate further states that after completion of investigation, the charge-sheet is also filed and now the matter is pending for trial before the Sessions Court. Since trial will take its own time to commence and conclude and for that purpose, the appellant is not required to be kept behind bars. Learned advocate specifically states that the appellant has been diagnosed with appendix and he is required to be operated. He, therefore, prays for releasing the appellant on regular bail.

5. *Per contra*, learned APP appearing for the respondent/ State as well as learned advocate appearing for respondent No.2/ informant strongly opposes grant of bail to the appellant on the ground that he is involved in serious crime against the victim, who belongs to Scheduled Caste category. The appellant has also threatened her on several occasions to misuse her photographs and on the pretext of blackmailing her, he had committed sexual intercourse with her. If the appellant is granted bail, he may tamper with prosecution witnesses. They, therefore, prayed for rejection of this appeal.

6. After having heard learned advocates for respective parties and after going through material available on record, it is evident that the appellant is in jail since 21.04.2025. The charge-sheet is filed and the matter is pending for trial before the Sessions Court. The appellant cannot be kept behind bars till conclusion of trial.

7. In view of the aforesaid facts and circumstances, since *prima facie* case for grant of regular bail to the appellant is made out, the instant appeal deserves to be allowed on certain conditions. Hence, the following order:

ORDER

- a) The Criminal Appeal stands allowed.
- b) The impugned order dated 04.08.2025 passed by learned Special Judge (Atrocities Act), Aurangabad is quashed and set aside.
- c) In connection with Crime bearing FIR No.193/2025 registered on 20.04.2025 with Chikhalthana Police Station, District Chhatrapati Sambhajinagar for offences punishable under Sections 351(3), 352, 64(1), 64(2)(M) of the Bharatiya Nyaya Sanhita, 2023, Section 66-E of the Information Technology Act and Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(1)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant shall be released on furnishing PR bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one solvent surety/ security in the like amount.
- d) The appellant shall attend the concerned police station as and when called by the Investigating Officer till completion of trial and shall also attend on the dates as are fixed by the learned Sessions Court.
- e) The appellant shall not try to contact or pressurize the witnesses or the informant, in any manner whatsoever.

f) In case the appellant violates any of above conditions, the State as well as the Informant are at liberty to seek for cancellation of bail.

8. Learned advocate Ms. Sabahat Kazi is appointed through High Court Legal Aid Services Sub Committee, to represent respondent No.2/ informant. After thoroughly preparing, she has conducted the matter and strongly opposed the appeal. Her fees be quantified and paid to her as per rules.

9. However, it is made clear that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this appeal.