



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

923 BAIL APPLICATION NO. 1797 OF 2024

Imran Yusuf Qureshi @ Mulla Kattar.

... Applicant

Versus

The State of Maharashtra and another.

... Respondents

...
Mr. Satej S. Jadhav, Advocate for Applicant.

Mr. K. K. Naik, APP for Respondent / State.

Mr. R. B. Dhillpe & Mr. Parth Surendra Salunke, Advocates for Respd. No.2.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 23rd September, 2025.

P.C.:

1 Heard.

2 This is an application for granting regular bail under Section 439 of the Criminal Procedure Code, 1973 (for short, "the Cr.P.C.") in connection with Crime No.666 of 2022, registered with Shrirampur City Police Station, District Ahmednagar, for the offences punishable under Sections 366(A), 368, 370(4), 370(A)(1), 372, 373, 376(2)(j)(n), 376(D) and 201 of the Indian Penal Code, 1860 (for short, "the IPC"), under Sections 3, 4, 5(g), 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 (for short, "the POCSO Act"),

under Sections 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956, under Sections 3(1)(w)(i)(ii), 3(2)(v) and 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and under Sections 3(1) (ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short, “the MCOC Act”).

3 The learned counsel for the applicant pointed out the report in which the informant averred that she is 18 years old. She knew Suman Pagare and her brother Sachin. She also knew co-accused Pappu @ Prashant Gore and the applicant. She alleged that, on the occasion of Ganpati festival at about 06.00 pm to 07.00 pm, said Suman Pagare came to her house and told her that she was not feeling well and requested her, to come with her to her house. Since the informant knew Suman, she went alongwith her to Suman’s house. After reaching there, Suman told the informant that she would go to the medical store to bring some medicines and left the informant alone in her house. Thereafter, Pappu @ Prashant Gore, Sachin, and the applicant came there. They assaulted the informant and threatened her that if she did not do as they said, they would set her and her mother on fire. The informant got frightened/scared. At that time, Pappu, Sachin and the applicant committed forcible sexual intercourse with her against her will. Thereafter, Suman also came there and Pappu, Suman and the applicant threatened the informant that if she

disclosed the said incident to anyone, she would face dire consequences. Due to the fear, the informant did not disclose the said incident to anybody.

4 The informant further averred that about four to five days later, when she was alone at her house in evening, Suman again came there, threatened her and took her to her house, where Pappu, Sachin and the applicant were already sitting. Thereafter, Pappu, Sachin and the applicant forcibly made her to sit in a white-coloured car and took her near a hill at Padhari Bridge to a hut (*Tapri*). There, the applicant introduced the informant to a person, telling her that his name is Baba Chendwal. The applicant told the informant that from that day onwards she has to do whatever that Baba directed to her, and if she failed to do so, she and her mother would be eliminated. Thereafter, after receiving some money from Baba Chendwal, the applicant and Pappu left the informant with him. At that place, five women were already standing. At that time, Baba Chendwal introduced the informant to a man and instructed her to have sexual intercourse with him. Baba received money from that man and forcibly compelled the informant to have sexual intercourse with him on a mat. This way, Baba Chendwal used to accept money from customers and forcibly compelled the informant to have sexual intercourse with them. At nights, driver of Baba Chendwal used to take the informant and other five women to a

room in Aurangabad and the next day in evening at about 04.00 pm, again brought them back to the hut near the hill at Padhari Bridge. In this way, Baba Chendwal exploited the informant by compelling her to indulge in sexual relations with his customers for money.

5 The informant further averred that after four to five days, Pappu and the applicant again came there, and thereafter, alongwith Baba Chendwal, they took her to Shevgaon, where they took a room on rent from Meenabai Rupchand Muswat at Shivajinagar. At that place, the applicant, Pappu and Baba Chendwal compelled her to have sexual relations with customers for money, threatening her that if she failed to do so, she and her mother would be eliminated. Therefore, she has done the said act she had to do. Thereafter, every ten to fifteen days, the applicant or Pappu used to come to Shevgaon and collect money from her. They were frequently threatening her that alongwith her, her mother will also be eliminated. Therefore, the informant lodged the report on 1st August, 2022 against the applicant and others.

6 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. He is behind the bars from the year 2022. The informant is more than 18 years old and she has not lodged the report immediately. False allegations of immoral

trafficking and sexual exploitation have been made against the applicant. The provisions of MCOC Act are not attracted, as the informant voluntarily resided at 2-3 places for the purpose of prostitution. There is no such evidence of *mens-rea* and motive. There is no evidence of independent witness to support the contentions of the informant. The learned counsel for the applicant further pointed out that co-accused Baba Chendwal and Meenabai have been released on bail by this Court. It is lastly prayed to allow the application.

7 The learned APP for the State as well as the learned counsel for respondent No.2 strongly opposed the application and submitted that the applicant is involved in the serious crime and he is the prime accused in this case. They pointed out that the applicant is having serious antecedents and has been booked in several crimes. If he is released on bail, certainly he will pressurize the prosecution witnesses, particularly the prosecutrix, and would tamper the evidence. The applicant is not entitled to be released on bail on the ground of parity. Considering the role of the applicant, the provisions of MCOC Act are invoked against him. It is lastly prayed to reject the application

8 The learned APP for the State and the learned counsel for respondent No.2 submitted that, at present, the applicant is facing

prosecution in the following cases, wherein he has been shown as an accused:

Sr. No.	Police Station and FIR No.	Case No.
1	Shrirampur P.S. (126 of 2016)	S.C. No.32 of 2022
2	Shrirampur P.S. (17 of 2018)	S.C.C. No.269 of 2017
3	Shrirampur P.S. (687 of 2021)	R.C.C. No.13 of 2022
4	Shrirampur P.S. (347 of 2022)	S.C. No.09 of 2023
5	Shrirampur P.S. (371 of 2022)	S.C.C. No.941 of 2022
6	Shrirampur P.S. (631 of 2022)	Special Case No.25 of 2022
7	Shrirampur P.S. (733 of 2022)	S.C. No.49 of 2022

9 The learned counsel for respondent No.2 pointed out the order dated 12th August, 2025, by which directions were given by this Court to respondent No.2 / victim to remain present before the learned Registrar (Judicial) of this Court on 29th August, 2025, to verify the affidavit filed by her dated 30th January, 2025. Accordingly, she appeared before the learned Registrar (Judicial) and thereafter, report was submitted by learned Registrar (Judicial) to this Court. This Court perused the said report on 9th September, 2025. As per the said report, her affidavit (Exhibit 'X') was shown to her and she stated that the affidavit dated 30th January, 2025, was obtained from her by applicant under the threat of causing injury to her and her mother. She further stated that she never consented for granting bail to the present applicant and she even opposed the application for granting bail to the present applicant.

10 Perused the charge-sheet, particularly, the report and the order dated 9th September, 2025 passed by this Court.

11 The applicant is booked for a serious crime. He has criminal antecedents. The applicant is the main accused in this crime. The first incident took place at the house of co-accused Suman Pagare, where this applicant committed rape on her by threatening her. The affidavit of the informant was obtained by him under the threat.

12 The delay caused for lodging the report can be explained at the time of trial. As far as applicability of MCOC Act is concerned, it is not prayed by the applicant before the Trial Court that the provisions of the MCOC Act are not applicable to him and he shall be exonerated from the provisions of that Act. Only because the provisions of the POCSO Act are invoked against the applicant when the victim is 18 years old, that cannot be a ground to grant bail to the applicant, who is wirepuller of the crime, as the crime is very serious and Section 376 (2)(j)(n) and 376(D) of the IPC are also invoked against the applicant with the provisions of the Immoral Traffic (Prevention) Act.

13 In view of the above, if the applicant is released on bail, he

will certainly pressurize the informant, her mother and other witnesses and would tamper the evidence.

14 Considering above reasons and the serious nature of the crime, that the applicant compelled the informant for doing the business of prostitution, which is punishable under the provisions of the Immoral Traffic (Prevention) Act and Section 376 of the IPC, the applicant is certainly not entitled for bail as he is involved in the serious crime. No case is made out for granting bail to him on the ground of parity as well as on the principle that bail is rule and jail is exception. Considering all these aspects, the application deserves to be rejected.

15 The bail application is rejected.

[SANJAY A. DESHMUKH, J.]

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