



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

**932 ANTICIPATORY BAIL APPLN. NO. 1969 OF 2024
WITH
CRIMINAL APPLICATION NO. 4839 OF 2024
IN ABA/1969/2024**

1] SAYYED MASIHUDDIN S/O. NAJIR
2] SUMERA BANO W/O. SAYYED MASIHUDDIN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for the Applicants : Mr.Menezes Joslyn A.
APP for Respondent-State : Mrs.V.S.Chaudhari
Advocate for the Assist to P.P. : Adv.Z.J.Pathan

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**AND
936 ANTICIPATORY BAIL APPLN.NO. 2015 OF 2024
WITH
CRIMINAL APPLICATION NO. 4840 OF 2024
IN ABA/2015/2024**

SHAIKH TAYYAB SHAIKH SHABBIR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr.R.M.Gaikwad
APP for Respondent-State : Mr.S.P.Sonpawale
Advocate for the Assist to P.P. : Adv.Z.J.Pathan

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CORAM : ARUN R. PEDNEKER, J.

DATE : 03.01.2025

P.C. :

1] Heard. For the reasons stated in Criminal Application No. 4839/2024 and 4840/2024 for assisting to the P.P., the same are allowed. Both Applications are disposed of accordingly.

2] Heard learned counsel Mr. Joslyn A. Menezes and Mr.R.M.Gaikwad for the applicants in ABA Nos.1969/2024 and 2015/2024, the learned APP for the respondent-State and Adv.Z.J.Pathan, learned counsel for the complainant.

3] The applicants are apprehending arrest in connection with Crime No. 161/2024, registered at Beed City Police Station, Beed, District Beed, for the offences punishable under sections 376, 376 (2) (n), 366-A, 313, 315, 120-B, 506 of the IPC.

4] The learned counsel for the applicants submits that this Court, by order dated 25.11.2024 in ABA No.1969/2024, has granted interim protection in favour of the applicants and this Court, by order dated 03.12.2024 in ABA No.2015/2024, has granted interim protection in favour of the applicant.

5] The learned counsel for the informant submits that the Nikahnama is a fabricated document [i.e. signature is obtained by complainant under coercion and the document is not properly executed] and there is no Nikah between the applicant, namely, Shaikh Tayyab and the informant. The applicants in ABA No.1969 of 2024 have pressurized and assisted the applicant namely Shaikh Tayyab in the alleged crime.

6] The applicant – Shaikh Tayyab has maintained physical relations with the informant for a period three years under the pretext that he will marry with the informant. It is further submitted that there is signature of the informant on the Nikahnama, so also, the photographs of the informant were taken by the applicants. The applicant, namely, Sumera has given water to the informant and due to which the informant became unconscious. The applicants were also threatened the informant that the photographs of the informant would be made viral on social media. Later on in the year 2024 she got pregnant and thereafter the applicants have forced the informant to terminate the pregnancy against her will. The learned counsel for the informant further submits that the informant had signed the Nikahnama under pressure.

7] The learned counsel for the applicants submits that this Court, by order dated 25.11.2024 and 03.12.2024,

has granted interim protection in favour of the applicants and the applicants have attended the concerned police station and have co-operated with the investigation.

8] It appears that the relations between the applicant in ABA No. 2015/2024 and the informant are consensual as the same can be inferred from whatsapp chat and the Nikahnama and has been for a period of three years i.e. from 2021 to 2024 and there is a Nikah between them on which the signature of the complainant is not disputed for three years. From the FIR it is apparent that the complainant wanted to continue the pregnancy. However, in the year 2024, the offence is against the applicant namely Shaikh Tayyab Shaikh Shabbir under Section 376, 376 (2) (n), 366-A, 313, 315, 120-B, 506 of the IPC, so also, the offence is registered against the applicants in ABA No.1969 of 2024 having assisted the applicant namely Shaikh Tayyab Shaikh Shabbir.

9] Considering long standing relations between the applicant, namely, Shaikh Tayyab Shaikh Shabbir and the informant, the offences under Section 376 and 376 (2) (n) of the IPC may not be attracted against the applicants. There is also whats-app chat between the parties indicates relations between them. In view of the above, the interim protection granted by this Court by orders dated 25.11.2024 and 03.12.2024 stand confirmed in the following terms :

i] The applicants shall attend the concerned police station as and when required by the investigating officer.

ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

10] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

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

12] The applications stand disposed of.

[ARUN R. PEDNEKER]
JUDGE