

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2580 OF 2025**

Mahamadgous @ Sarafu
(Sarfaraj) Sherkhan Fakir

....Applicant

Vs.

The State of Maharashtra and anr

....Respondents

Mr. Ranjeet Patil a/w Mr. Dhavalsinh Patil, Advocate for the Applicant
Dr. A. A. Takalkar, APP, for the Respondent – State.

Ms. Priyanka S. Rane, APP, for the Respondent – State.

Mr. Aniket U. Nikam a/w Mr. Atharva R. B. Advocate for the
Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st NOVEMBER, 2025.

P.C.

1. By this application, applicant is seeking regular bail in C.R. No. 34 of 2024 registered with Mahatma Gandhi Chowk Police Station, Miraj, District Sangli for offences punishable under Sections 376, 376(D), 370, 366, 392, 342, 506 r/w 34 of the Indian Penal Code.

2. It is the prosecution's case that on 6th January 2024, when the victim alighted at Miraj Railway Station and she was searching for another train to go to Pune, at that time, co-accused took her at secluded place and gang raped her. It is alleged that one of the co-

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accused left victim with wife of the applicant. Thereafter, the applicant and co-accused took the victim in applicant's car. The applicant was driving the said car. They took the victim to Karnatak and performed her marriage with co-accused Bhartesh by taking Rs. 4 Lakhs from him. It is alleged that at the time of incident, victim was below 18 years old.

3. It is contention of learned counsel for applicant that co-accused Santoshi, wife of the applicant has been released on bail by this Court (Coram: N. R. Borkar, J.). The allegations against Santoshi and present applicant are the same. Hence, the applicant is entitled to bail on principle of parity and requested to allow the application.

4. It is contention of learned APP that applicant took victim in his car and performed marriage with co-accused Bhartesh by taking Rs. 4 Lakhs from him. The applicant has played an important role in the crime. Victim was gang raped by the co-accused. The applicant was aware about it. He kidnapped the victim. if applicant is released on bail, he may threaten victim and prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record. The allegations against Santoshi and present applicant are the same The co-accused has been released on

bail by this Court. Considering these facts, the applicant is entitled to bail on principle of parity.

6. In view of above, I pass following order:

ORDER

I. The Application is allowed.

II. The Applicant be enlarged on bail in C.R. No. 34 of 2024 registered with Mahatma Gandhi Chowk Police Station, Miraj, District Sangli on executing P.R.Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.

III. The Applicant shall not tamper with the evidence or attempt to influence or contact the witnesses or any person concerned with the case.

IV. The Applicant shall attend the Trial Court dates regularly.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)