

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1943 OF 2025

Liyakat Rabbani Shaikh ... Applicant
V/s.
State of Maharashtra & Anr. ... Respondents

Mr. Ashok Mundargi, Senior Advocate a/w Pravada Raut i/by Meghdeep Oak for the Applicant.

Mr. B. V. Holambe Patil, APP for Respondent No.1-State.

Mr. Abhishek U. Arote a/w Aditya Singh i/by Padmsinh P. Patil for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 22ND DECEMBER 2025

PC. :

1. This is an Application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No.247 of 2025 registered with Kalyan Taluka Police Station for the offences punishable under Sections 123, 64(2)(m), 70, 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2025.
3. The Applicant is Accused No.5 in the aforesaid crime. It is the case of the prosecution that on 19th March 2025, the victim left her house at 11.30 p.m. on account of a dispute with her grandmother. Thereafter, the victim resided at the houses of Accused Nos.1 and 2 for ten days. Upon conveying her desire to go back home, the victim was tricked by the other co-accused and taken to a room in a chawl near NRC Company, Ambivali.

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It is alleged that Accused No. 1 injected a sedative substance in the victim's neck, which caused her to fall unconscious. On the next day upon regaining consciousness, the victim realised that she was lying in a state of disarray in the PWD Rest House room at Rambaug, Kalyan and at that time the Applicant and other co-accused were present there. It is alleged that the victim was repeatedly administered sedative injections in her neck. It is further alleged that while the victim was intoxicated, the Applicant committed forcible sexual intercourse with her multiple times. Subsequently, Accused No. 7 threatened the victim with dire consequences if she disclosed the incident to anyone and further told her to lodge a false complaint against her grandmother. Accordingly, the Applicant and other co-accused allegedly took the victim to the Titwala Police Station and there she was made to lodge false complaint against her grandmother. Thereafter, the victim was confined in the said chawl room, where it is alleged that the other co-accused and an unknown person committed forcible sexual intercourse with the victim while she was under the influence of sedatives. It is alleged that from 25th March 2025 to 03rd May 2025, the victim was confined and subjected to forcible sexual intercourse while she was under the influence of sedatives.

4. I have heard Learned Senior Counsel for the Applicant, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2-victim.

5. Learned Senior Counsel for the Applicant submits that the present crime was registered on 06th March 2025 and subsequently on 12th May 2025 the supplementary statement of the victim was recorded. It is

submitted that there are major inconsistencies in the FIR lodged by the victim and her supplementary statement with respect to the occurrence of the alleged events. It is submitted that the time frame of the alleged incidents narrated by the victim does not align with the date of the alleged false complaint lodged by the victim against her grandmother. It is further submitted that the medical evidence of the victim does not corroborate with her version. It is submitted that the prosecution has deliberately not collected crucial evidence such as the CCTV footages from the rest house, chawl near NRC Company and residential building of Accused No.2. It is submitted that during the relevant period the victim was active on Instagram, which shows that she was in possession of her mobile phone. It is submitted that the Applicant came to be implicated in a false case due to political rivalry as the Applicant is a General Secretary of one of the political parties.

6. On the other hand, Learned APP for Respondent No.1-State submits that the Applicant is involved in a serious crime. It is submitted that during the course of investigation, the statement of the caretaker of the PWD Rest House was recorded, wherein, he has clearly stated that he had provided a room to the Applicant twice and at that time the other co-accused and the victim were with him. It is submitted that the Applicant is involved in two more crimes. It is submitted that considering the nature of crime, the Applicant may not be released on anticipatory bail.

7. Learned Counsel for Respondent No.2-victim submits that after the registration of the present crime, the Applicant with his political influence has threatened the victim and her family with dire consequences, due to

which the victim was compelled to register two non-cognizable complaints against the Applicant. It is submitted that thus there is a threat to the life of the victim.

8. I have perused the FIR and the statement of the victim recorded on 12th May 2025. There are major inconsistencies in the FIR lodged by the victim and her supplementary statement. The victim has alleged that she was confined by the Applicant and other co-accused from 25th March 2025 to 03rd May 2025 and during the said period she was taken to Titwala Police Station and was made to lodge a false complaint against her grandmother. However, upon perusal of the said complaint, it appears that the same was lodged on 21st March 2025 i.e. prior to the alleged incident of confinement. From the documents placed on record, it appears that during the relevant period of alleged confinement, the victim was active on Instagram, which *prima facie* shows that the Applicant was in possession of her mobile phone. Considering the overall facts and circumstances of the case, I am inclined to release the Applicant on anticipatory bail. Hence, the following order:-

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. In the event of the arrest of the Applicant in Crime No.247 of 2025 registered with Kalyan Taluka Police Station for the offences punishable under Sections 123, 64(2)(m), 70, 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2025, he shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- iii. The Applicant shall not enter into limits of Thane District till conclusion of the trial, except to attend the dates before the trial court.
- iv. The Applicant shall not tamper with the prosecution evidence.

9. The Anticipatory Bail Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)