



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

926 ANTICIPATORY BAIL APPLN. NO. 663 OF 2025

**MIRZA FEROS BAIG NAZEER BAIG
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr.C.C.Deshpande
APP for Respondent-State : Mr.A.A.A.Khan
...

**WITH
CRIMINAL APPLICATION NO. 2490 OF 2025
IN ANTICIPATORY BAIL APPLICATION NO.663/2025**

...
**CORAM : MEHROZ K. PATHAN, J.
DATE : 06.01.2026**

P.C. :

1] Heard the learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant has approached this Court apprehending arrest in connection with Crime No.80/2025, registered with Harsul Police Station, District Chhatrapati Sambhajanagar, for the offences punishable under Sections 64 (2) (I), 64(2)(m), 352, 351 (2), 351 (3) of the Bharatiya Nyaya Sanhita, 2023.

3] This Court, vide order dated 29th April, 2025, has granted interim protection in favour of the applicant with condition that the applicant shall attend the concerned police station on 08.05.2025 and 09.05.2025, between 10.30 a.m. to 01.30 p.m.

4] The learned counsel for the applicant submits that the applicant has complied with the conditions imposed by this Court vide order dated 29.04.2025 and co-operated with the investigation. The allegation against the applicant is that the applicant was circulating the photos and videos of the complainant, which were recorded by the applicant in his mobile phone. The applicant has also handed over the mobile phone to the Investigating Officer. Thus, nothing is to be recovered from the applicant. The applicant is in love relationship with the complainant and one child is born out of the said relationship. The applicant is falsely implicated in the alleged crime as there was business deals between the applicant and complainant and her husband. The applicant is not having any criminal antecedents. The applicant is ready to abide by any conditions that may be imposed by this Court. Hence the applicant may be released on anticipatory bail.

5] As against this, the learned APP and also the learned counsel Mr. Anil H. Dhupe appearing for the complainant vehemently oppose the application on the

ground that the applicant is involved in heinous offence of committing rape upon the woman. The offence is punishable with life imprisonment, and hence, the applicant may not be released on anticipatory bail. The applicant, if released, may threaten prosecutrix and relatives of the prosecutrix, which may cause prejudice to the prosecution case.

6] I have gone through the charge sheet filed during pendency of the present application. The charge sheet shows that there are statements recorded by the Investigating Officer during the course of investigation which show that the applicant was in love relationship with the complainant for quite some time. The statement of Deepak Namdeo Tandale, who is resident of same area, states that the applicant and the complainant are residing at Sunrise Park in the flat. Thus, the charge sheet also shows that the whatsapp messages were exchanged between the applicant and the complainant and her husband. The statement of the prosecutrix is already recorded under Section 183 of the BNSS. Thus, the investigation is already completed and the charge sheet is already filed even against the present applicant. Thus, the custodial interrogation of the applicant, in my opinion, may not be necessary. However, the apprehensions of the learned counsel Mr. Anil H. Dhupe and the learned APP can be taken care of by imposing stringent conditions. Hence the following order :

ORDER

- A) The Anticipatory Bail Application is allowed.
- B) The interim order dated 29th April, 2025 is hereby confirmed. The applicant is directed to attend the concerned police station on every Saturday between 11.00 a.m. and 1.00 p.m. till recording of the evidence of the victim.
- C) The Applicant shall also cooperate with the investigation.
- D) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

7] Needless to say, violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the anticipatory bail.

8] The observations made herein above are prima facie in nature and shall not influence by the Trial Court or any other Court while deciding the case on its own merits.

9] The Anticipatory Bail Application is disposed of.

10] The application for assisting prosecution stands also disposed of accordingly.

[MEHROZ K. PATHAN]
JUDGE

DDC