



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1899 OF 2025

Kaleem Nasirullah Pathan Alias Kaleem Khan Rajusa Khan

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....
Advocate for Applicant : Mr. Andhale Sandip Ramnath
APP for Respondents: Mr. A.A.A. Khan

CORAM : MEHROZ K. PATHAN, J.

DATE : 7th JANUARY, 2026.

P.C. :-

1. The applicant has approached this Court seeking anticipatory bail in connection with Crime No. 548 of 2025 , registered with Police Station, MIDC CIDCO, Chh. Sambhajinagar, for the offences punishable under Sections 64, 333, 115(2), 352, 351(3) of Bhartiya Nyaya Sanhita.

2. The case of the prosecution is that, the informant lodged the FIR on 19.9.2025 alleging that she is residing with her husband and children. On 2.9.2025, her husband went to Uttar Pradesh. On 8.9.2025 at about 1.00 A.M. the informant was sleeping with her children at home, the applicant entered in their house from upper side of the door which was open, committed forcible sexual intercourse with the complainant on the threat of committing her murder. On 12.9.2025 the complainant went to to the mother of the applicant to make a complaint, however, the mother of the applicant abused and assaulted her. She, therefore, filed a complaint to the police station and after her husband arrived from Uttar Pradesh on 18.9.2025, she has lodged the present FIR against the applicant for committing forcible sexual intercourse.

3. Mr. Andhale, learned counsel for the applicant submits that the applicant is falsely implicated in the present crime. The applicant had consensual relationship with the complainant and only because the applicant got engaged on 7.9.2025 that the complainant had filed a false FIR against the applicant. It is further submitted by Mr. Andhale, learned counsel for the applicant that the Non-cognizable complaint dated 12.9.2025, filed by the complainant immediately after the alleged incident at Police Station, MIDC, CIDCO, does not speak of any such alleged act of forcible sexual intercourse committed by the applicant upon the complainant. The said Non-cognizable complaint only states about the alleged abuse and assault on the part of the applicant and his mother. The learned counsel for the applicant further submits that the on the date of the incident dated 8.9.2025, the complainant herself had made 8 calls to the complainant on his mobile. It is further submitted by Shri Andhale that there is 11 day's delay in lodging the FIR and the FIR is nothing but an after-thought by the complainant as the applicant got himself engaged with another girl Sayana. The learned counsel Mr. Andhale further submits that the applicant is not having any criminal antecedent against him and he is ready to abide by any condition that may be imposed against him by this Court while releasing him on bail.

4. As against this, the learned APP strongly opposes the application on the ground that the allegations are serious in nature. The applicant is alleged to have committed forcible sexual intercourse upon a married woman by gagging her mouth. The applicant is a nearby resident and has entered into the house of the complainant taking advantage of the fact that the applicant's husband has gone to Uttar Pradesh for some work and committed rape upon victim while her minor son was present in house. The applicant himself has admitted to have consensual relationship with the complainant and as such, if the applicant is released on bail, there is every likelihood that the applicant may threaten the

prosecutrix thereby causing prejudice to the prosecution case. The investigation papers further show that the statement of the child of the complainant is also recorded which corroborates the allegations in the FIR. The statement of the complainant is also recorded under Section 183 of the B.N.S.S. The learned APP, therefore, prays for rejection of the application.

5. I have gone through the investigation papers made available by the learned APP. The learned APP has also produced a copy of the N.C. Report dated 12.9.2025 filed by the complainant, alleging assault and abuses at the behest of the applicant and his mother. The perusal of the FIR itself shows that the complainant has made a mention of filing the N.C. Report on 12.9.2025 with the police authorities. The complaint dated 12.9.2025 which has now culminated into filing N.C. No. 1082 of 2025 shows that the allegations of abuses and assault are levelled against the applicant and his mother. Further, the FIR gives explanation that it is only after the husband had arrived back from Uttar Pradesh on 18.9.2025 that she could gather the courage to register an FIR of rape against the applicant. There are sufficient explanation of non-mentioning of allegations of rape on the N.C. report dated 12.9.2025 and also about delay in registration of FIR. The prosecution has recorded the statement of the son of the victim, which corroborates the allegations in the FIR. The statement of the victim was also recorded under Section 183 of the B.N.S.S. wherein, she has narrated the act of present applicant in committing forcible sexual intercourse.

6. The learned counsel for the applicant Mr. Andhale, relied upon the following judgments to substantiate his contentions :-

(i) ***Pradeep Kumar Kesarwani vs. The State of Uttar Pradesh, in Criminal Appeal No. 3831 of 2025 @ SLP (Cri.) No. 11642/2019 Supreme Court of India.***

(ii) *Jaspal Singh Kaursl vs. The State of NCT of Delhi and another, SLP (Cri.) No. 4007 of 2024 Supreme Court of India.*

(iii) *Parisha Trivedi (Smt.) vs. State of Chhatisgarh Through Police Station Incharge, 2024 DGLS (Chh.)08, Chhattisgarh High Court.*

(iv) *Prakash Kumar Gupta Vs. State of Uttar Pradesh and others 2024 DGLS(Alld.) 305 Allahabad High Court.*

(v) *Paraji Kondiram Waghmode and others Vs. State of Maharashtra and others ABA No. 1624 of 2024 Bombay High Court.*

(vi) *Harish Panditrao Bhailume vs. State of Maharashtra, Cri. Revision Application No 34 of 2023, Bombay High Court.*

(vii) *Bharat S/o. Vitthalrao Jadhav and another Vs. State of Maharashtra and another, Cri. W.P. No. 1440 of 2020 Bombay High Court.*

The aforesaid judgments are mostly concerned with the false promise to marry allegations, wherein, the accused had sought quashment of the FIR. In the present case, the applicant is alleged to have committed rape on the complainant by entering her house on a particular date and time by gagging her mouth, when her husband was out of station. Thus, the ratio of aforesaid judgments would not apply in the facts of present case.

7. Thus, taking into consideration the gravity of the offence lodged against the applicant who is alleged to have committed rape upon a married woman, who lives in the neighbourhood, I am not inclined to protect the applicant. The application, therefore, stands rejected and disposed of accordingly. It is made clear that the observations made hereinabove are prima facie in nature and are made only for the purpose of deciding the present application and may not influence the trial court.

[MEHROZ K. PATHAN]
JUDGE.

grt/-