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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3214 OF 2025

Abdul Rahim Moten Ahmed Khan And Anr. ...Applicants

V/S.

State of Maharashtra And Anr. ...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 1288 OF 2026

Gulam Sajid Moten Ahamad

@ Gulam Sajid Ahmed Khan ...Applicant

V/S.

State of Maharashtra And Anr. ...Respondents

Adv. Akshay Bhole, for the Applicants in both ABA.

Adv. Geeta P. Mulekar, APP for the Respondent – State in both ABA.

Adv. Pranali Kakade, though Legal-Aid Pannel, for the Respondent No.2 in both ABA.

PSI - Mr. Laxman Bade, Kalyan Taluka Police Station, is present.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 22nd OCTOBER, 2026.

P.C. :-

1. Heard learned Advocate for the Applicants as well as learned APP, for the Respondent-State.

2. The applicants are apprehending arrest in connection with Crime No. 247 of 2025 dated 06.05.2025, registered with Kalyan Taluka Police

Station, Thane (Rural), for the offence punishable under Sections 123, 64(2) (m), 70, 115(2), 352, 351(2) read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023.

3. It is alleged in the FIR 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 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 realized that she was staying in the PWD Rest House room at Rambaug, Kalyan alongwith the co-accused Liyakat. It is alleged that the victim was repeatedly administered sedative injections and while she was intoxicated, the other accused persons 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 lodged a 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 her. 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. On the basis of these allegations FIR came to be registered against seven persons and these applicants are arraigned as accused nos. 3 and 4.

4. Learned counsel for the applicants submits that the allegations against the applicants are without any basis and that no specific role has been attributed to them in the alleged offence. He submits that there are major inconsistencies between the FIR lodged by the complainant and her supplementary statements regarding the alleged events, as regards the time frame of the incidents. He further submits that accused No. 1, Mrs. Shabnam Shaikh, who is the main accused in the offence, was granted regular bail by the Court vide order dated 08.07.2026 in Bail Application No. 265 of 2026. Furthermore, accused No. 5, Liyakat Shaikh, who is attributed with a major role than the present applicants, was granted anticipatory bail by this Court vide order dated 22.12.2025 in Anticipatory Bail Application No. 1943 of 2025.He also submits that one of the applicants, namely Abdul Rahim Khan @ Guddu ie. accused No. 3, was granted interim protection by the Sessions Court, while the other applicant, Gulam ahamad is named as accused no.4 in the FIR whereas Salaludin Khan, is not even named in the FIR. Furthermore he submits that the applicants have no criminal antecedents, and since the charge sheet has already been filed on 03.07.2025, the custodial interrogation of the applicants is not required. He, therefore, prays for the

grant of anticipatory bail to the applicants.

5. Learned APP for the respondent-State and learned counsel for the respondent no.2 submits that the applicants are 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 Applicants twice and at that time the other co-accused and the victim were with him and thus in view of material showing involvement of there applicant, he prays for rejection of anticipatory bail application. Even learned counsel for the respondent no.2 invited attention to allegation in FIR and opposed the application for pre-arrest bail.

6. Perused the FIR and the documents placed on record. It appears that there are major inconsistencies in the FIR lodged by the victim and her supplementary statement. It *prima facie* appears that the allegations of rape are against other accused persons and the role of these applicants is in process of taking the victim to PWD rest house. Considering the fact that accused no.5 by name Liyakat Shaikh, who is attributed with major role than the present applicants, is granted anticipatory bail by this court by order dated 22.12.2025 in Anticipatory Bail Application No.1943 of 2025, the instant application on the ground of parity needs to be considered. It has to also to be seen that investigation is already completed and nothing is to be recovered from this applicant. So also, the other accused persons have been

released on bail as pointed out above. Further as there are no criminal antecedents against these applicants and the charge sheet is already filed on 03.07.2025, the custodial interrogation of these applicants is not warranted. Hence, the applicants should be granted anticipatory bail.

7. In view of the above, the Anticipatory Bail Application is allowed, subject to certain conditions.

8. Hence, I pass the following order :

: ORDER:

(i) Anticipatory Bail Application is allowed.

(ii) In the event of arrest of these applicants in connection with Crime No. 247 of 2025 dated 06.05.2025, registered with Kalyan Taluka Police Station, Thane (Rural) for the offence punishable under Sections 123, 64(2)(m), 70, 115(2), 352, 351(2) read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS) 2023, they be released on bail on furnishing P. R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each, with one solvent surety of the like amount each.

(iii) The applicants are directed to attend the police station on 29.10.2026 and 30.10.2026 in between 10:00 a.m. to 02:00 p.m. and thereafter as and when

called upon by the investigating agency.

(iv) The applicants shall extend cooperation during investigation and trial and shall not influence the prosecution witnesses in any manner.

9. The anticipatory bail application is allowed and disposed of.

***(PRAFULLA S. KHUBALKAR,* J.)**