

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4431 OF 2025

Zeenat Irfan Qureshi, Age 21 years,
R/o.Room No.601, Rajeshwari Building,
Kalyan, Dist.Thane.
(Presently in Kalyan District Prison)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Amit Icham with Mr.Chaitanya Purankar for Applicant.

Mr.D.J.Haldankar, APP, for State.

CORAM: AARTI SATHE, J.

DATE: 18th February 2026

P.C.

1. By this application the Applicant seeks her enlargement on bail in connection with C.R No.247 of 2025, dated 6thMay 2025 registered with Kalyan Taluka Police Station, District Thane, for allegedly having committed the offences punishable under Sections 123, 64(2)(m), 70, 115(2), 353, 351(2) r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS' for short).

2. In all there are seven accused. The Applicant is accused no.2. It is the case of prosecution that on 19th March 2025 the informant had an argument with her grandmother and accordingly the informant left her house and ran away. The informant then stayed at the house of Applicant and the house of co-accused Shabnam for ten days. It is alleged that on 25th March 2025 the informant decided to go back to her house and at that time the co-accused Shabnam called one Guddu

and accordingly Guddu came to pick up the informant in a car. It is further alleged that the said Guddu took the applicant to an unknown place. Thereafter the co-accused Shabnam injected the informant with a drug due to which the informant became unconscious. It is further alleged that the informant woke up on the next day completely naked. Once again the informant was injected with the drug which made her unconscious. It is also the case of the prosecution that the informant was later on taken to Titwala Police Station where she lodged a complaint against her grandmother. It is further alleged that the informant was then taken to a place where she was drugged and sexually assaulted for ten days. It is also the case of prosecution that the Applicant along with co-accused Shabnam drugged the informant from time to time and victim was confined and subjected to forcible sexual intercourse during the said period with other co-accused. The case of the prosecution is also that the informant was threatened from time to time by the co-accused with dire consequences if she reported the incident to the family members. They also forced her to file a false complaint against her grandmother at Titwala Police Station, and it is on these grounds the FIR came to be lodged on 6th May 2025.

3. In the course of investigation the Applicant came to be arrested on 15th June 2025 in respect of the aforesaid crime. The Applicant was produced before the Sessions Court, Kalyan and the Applicant was remanded to appropriate custody. After completion of investigation the charge sheet was filed and a copy of the same is annexed at Exhibit-A to the present application. The applicant filed an application for bail before the Fast Track Court, Kalyan and the same has been

rejected by order dated 1st October 2025 on the ground that though the Applicant could not be prosecuted for gang rape, however, the allegations against the Applicant are that she helped the co-accused i.e. Ms.Shabnam to inject the drugs to the informant. It is also observed in the said order that prima facie it was seen that the informant is 21 years old and she had left the house of her grandmother in anger and also filed a complaint against her. The grandmother of the informant has stated that she had seen the informant in the company of the Applicant and the co-accused, and in fact when the informant demanded to return home, she was confined and the co-accused raped her. The Fast Track Court, Kalyan rejected the bail vide order dated 1st October 2025 passed below Exhibit-3 in Sessions Case No.559 of 2025.

4. Per contra, Mr.Icham, learned counsel for the Applicant submits that role of the Applicant in the FIR of committing the crime/offence as alleged has not been made out against the Applicant, which makes her liable to be prosecuted under the sections under which she has been charged. It is also his submission that only on the basis of certain statements of the witnesses which do not ascribe any role to the Applicant, that she has been implicated in the aforesaid crime. He has also submitted that the charge sheet has been filed and there is no possibility of Applicant tampering with evidence or fleeing anywhere. The Applicant is a 22 year old girl and she has been kept behind the bars from 15th June 2025 and there is no need for any further custody of the Applicant. Therefore, the Applicant has suffered incarceration for almost eight months. He has further submitted that the Applicant is willing to furnish the surety as per the directions of this Court.

5. Learned counsel for the Applicant also placed reliance on an order dated 22nd December 2025 passed in the case of co-accused Liyaqat Rabbani Shaikh in Anticipatory Bail Application No.1943 of 2025 where this Court has categorically expressed a prima facie opinion that there were major inconsistencies in the FIR alleged by the informant and in the supplementary statement. As far as allegation of confinement of the informant is concerned, the Court has observed that upon perusal of the complaint against the informant's grandmother in the Titwala Police Station, it appears that the same was lodged on 21st March 2025 i.e. prior to the alleged incident of confinement. The Court further observed that during the relevant period of alleged confinement, the victim was active on Instagram which shows that the Applicant was in possession of her mobile phone. Considering the inconsistencies in the statement of informant, this Court allowed the Anticipatory Bail Application of the co-accused Liyakat Rabbani Shaikh. Further the learned counsel for the Applicant also pointed out an order of this Court dated 6th February 2026 in Anticipatory Bail Application No.3214 of 2025 wherein interim bail was granted to another co-accused Abdul Rahim Moten Ahmed.

6. I have heard learned counsel for the respective parties and perused the record. Learned APP placed reliance on the FIR and the statements of witnesses. However, on perusal of the same I am unable to record a prima facie finding that the Applicant has committed the alleged offence. Admittedly there are no criminal antecedents against the present Applicant. The Applicant has been in custody since 15th June 2025 and has suffered incarceration for past about eight months.

There is no evidence or submission made on behalf of learned APP that there is any apprehension that the Applicant will tamper with any evidence. However, the Court has taken a note of the submission that the Applicant should not be allowed to influence the on going trial. In these circumstances, I am inclined to enlarge the Applicant on bail. Hence I pass following order :

ORDER

- (i) It is directed that the Applicant be enlarged on bail in connection with C.R No.247 of 2025 registered with Kalyan Taluka Police Station, Thane Rural, for the offences punishable under Sections 123, 64(2)(m), 70, 115(2), 352, 351(2), 3(5) of Bhartiya Nyaya Sanhita, 2023, on executing P.R bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;
- (ii) The Applicant shall attend the Trial Court for trial on each and every day, unless specifically exempted by the Trial Court;
- (iii) The Applicant shall report to Kalyan Taluka Police Station, Thane Rural once in a month between 11.00 am and 2.00 pm till charge is framed;
- (iv) The Applicant shall surrender her passport, if any, with the Investigating Officer of Kalyan Taluka Police Station;
- (v) The Applicant shall not leave India without prior permission of the Trial Court;
- (vi) The Applicant shall not tamper with the evidence or meet with any witness or anybody concerning the case;
- (vii) The Applicant shall not enter into territorial jurisdiction of Kalyan Taluka Police Station, Thane Rural till conclusion of trial, except for trial;

- (viii) The Applicant shall inform her latest place of residence and contact number after being released, and/or change in address of residence or mobile number to the Investigating Officer till conclusion of trial;
- (ix) The Applicant to co-operate for speedy conclusion of trial;
- (x) Breach of any of the aforesaid conditions shall entail cancellation of bail;
- (xi) Bail Application is allowed in the above terms. Disposed of. No costs;
- (xii) It is made clear that the observations made hereinabove are prima facie and are confined to this application and the learned Trial Court shall decide the case on its own merits without being influenced of the observations made in this order.

(AARTI SATHE, J.)