

MHNS070017932025

Special Case No.255 of 2025



The State of Maharashtra ...Complainant  
Vs  
Shafique Ahemad Mohammad  
Ismail @ Shafique Rana ... Accused

**ORDER BELOW Exh.3**  
**(Passed on 03/10/2025)**

1. This is successive application for bail filed on behalf of accused who is charge-sheeted in connection with C.R. No.57 of 2025 registered at Ramjanpura Police Station for the offence p/u/s 64(2)(m), 74, 351(2) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter for short 'the B.N.S.')

2. Ld. APP for the State has strongly opposed the application by filing written say of I.O. at Exh.6.

3. Informant/victim appeared through her Ld. Advocate on 03/09/2025 and Ld. Advocate for the informant/victim sought time to argue on the bail application. Thereafter, on 16/09/2025 Pursis came to be submitted at Exh.11 submitting that the informant has no objection to grant bail to the accused. However, there was no identification of the informant and the said pursis was not signed by her Ld. Advocate, therefore, it was not taken on record.

4. Heard, Shri. A.N. Shaikh, Ld. advocate for the accused, Shri. S. K. Sonawane, Ld. APP for the State and Shri. N.P Marchant, Ld. Advocate for the informant/victim. They argued vehemently.

5. Ld. Advocate for the accused submitted as under :-

After the completion of investigation police submitted charge-sheet before the concerned Court it was bearing R.C.C. No. 1149/2025

and it was committed to the Sessions Court. It is alleged that accused had threatened informant that if she would not return loan amount he would defame her and would implicate her in a false case. It is further alleged that accused by giving threats to the informant, hold her hand, touched her breasts and back and outraged her modesty. It is further alleged that the accused took the informant in the office of Loom factory of accused and forcefully committed sexual intercourse with her. All allegations in the FIR are false. The business rivals of accused by giving promise of monetary gain to the informant, instigated her to lodge false report against accused. There is delay about 7 to 8 months in lodging the report. Inordinate delay in lodging the report is not explained. The accused is falsely implicated. Medical examination of informant was conducted on 09/06/2025. As per the contents of Medical Certificate, it can be gathered that the informant had consensual sex with accused and both used to meet each other. As per the say of informant the child in her womb is of her husband. The informant only in order to get money from the accused, has filed false report. Cri. Bail Appln. No. 537/2025 and 628/2025 filed before the filing of charge-sheet, came to be rejected by the concerned Court. Now the charge-sheet is filed and case is committed to this Court, there is change in circumstances and this bail application is tenable. Inordinate delay in lodging report creates doubt the allegation. There is no material and evidence against accused in the investigation papers. The informant was working as a labour in the Power Loom factory of accused. She had taken advance money from the accused. She was insisting accused to give more money to her. Only to extort money from the accused she has lodged false report against accused. The informant is 40 years old married woman. She is having relations with other

persons, therefore, there was quarrel/dispute between her and her husband. Incidents alleged in the FIR did not take place. Accused is not having criminal antecedents. The informant is in a habit of making false report and false applications to the police. In the Medical Examination Report of informant there are no signs of any injury or signs showing that forcible sex was committed on her. The accused has 4 children, wife and age old parents. They are dependent on accused. Since 08/06/2025 the accused is in Jail. No purpose would be served in keeping him behind the bars. Nothing is remained to be recovered and seized from the accused. The accused is having permanent residence. He is ready to abide all conditions of bail. Because of his age he requires regular medical treatment. The informant/victim appeared before the Court and submitted her written say vide Exh.11 submitting that she has no objection to grant bail to the accused. Therefore, regular bail be granted to accused.

6. Ld. Advocate for the accused, in support of his submissions has relied on the following case laws-

- 1) **Ankush Ashok Sahu V/s. State of Maharashtra, Criminal Application (ABA) No. 328 of 2022 decided on 14/06/2022 by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur.**
- 2) **Aniket Ishwar Bhatewara V/s.The State of Maharashtra, Anticipatory bail Application No. 1440 of 2022 decided on 13/06/2022 by the Hon'ble High Court of Judicature at Bombay.**
- 3) **Sudhir Mahadeorao Nitnaware V/s. State of Maharashtra, Criminal Application (B.A.) No. 493 of 2022 decided on 09/07/2022 by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur.**
- 4) **Rahul/o. Pandit Ade V/s. The State of Maharashtra, Criminal Application (BA) 1444/2022 decided on 14/02/2023 by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur.**
- 5) **Mahesh s/o. Chirkut Kakde V/s. The State of Maharashtra, Criminal Application (ABA) No. 110/2023 decided on**

16/02/2023 by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur.

- 6) **Roshan s/o. Hanif Shekh V/s. State of Maharashtra, Criminal Appeal No. 822 of 2022 decided on 13/01/2023 by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur.**

7. On the other hand Ld. APP for the State submitted as under:-

All earlier bail applications filed on behalf of accused are rejected on merits by the concerned Courts. The accused forcibly committed sexual intercourse with the informant/victim and he had threatened her that he would implicate her in false cases. The accused is active in politics and he is a member of MLA working committee, therefore, the informant/victim is under constant fear. She was under pressure and her mental state was not proper because of the threats given by accused, therefore, there is delay in lodging report against accused. After registration of crime, some persons are pressurizing the informant/victim to withdraw the complaint/FIR. The bail application filed on the medical grounds is also rejected by the concerned Court. While under medical treatment the accused was not taking medicines and not co-operating the medical officers. In the Sonography test of the informant/victim she is found pregnant for 10 weeks and 6 days and the alleged incidents took place during the period from January 2025 to March 2025. If bail is granted to the accused he would pressurize the informant/victim to abort the child and to withdraw the case. The accused is having political background, therefore, there is every possibility that he will pressurize the informant/victim, witnesses and tamper with the prosecution evidence. The victim is not traceable as per the report dt.25/09/2025 submitted by the I.O. This shows that relatives of accused or other persons are pressurizing the

informant/victim and there is possibility that they might have kept the informant/victim in secrete place. Therefore, the bail application should be rejected.

8. Ld. APP for the State, in support of his submissions, relied on the following case laws-

- 1) **Shimbhu And Anr V/s. State of Haryana 2013 STPL 18355 SC**
- 2) **Neeru Yadav V/s. State of U.P and Anr. 2015 STPL 7087 SC**
- 3) **Chaman Lal V/s. State of U.P and Another 2004 STPL 12652 SC**

9. Ld. Advocate for the victim, in addition to above submissions, submitted as under-

On 16/09/2025 the informant/victim had appeared before the Court and given no objection to the bail application. However, since 16/09/2025 till today she is missing and not found at her address in the Malegaon and her parents address at Sillod. The relatives and associates of accused had threatened the informant/victim to give no objection for bail application, therefore, due to fear she had given no objection on 16/09/2025. Thereafter, she has been kidnapped and she is not traceable. Therefore, there is danger to her life and the I.O. should be directed to search for the victim and produced her before the Court. There is every possibility that the relatives of accused has/have kidnapped and confined the informant/victim. If bail is granted to accused life of informant/victim would be in danger. The I.O. has filed his written say dt.25/09/2025 submitting that victim is not traceable. Therefore, the bail application should be rejected.

10. Ld. Advocate for the victim relied on the case of **Balkrishna S/o Arjun Naik V/s State of Karnataka etc.2, Criminal Petition**

**No.100803/2022 decided on 04/04/2022 by the Hon'ble High Court of Karnataka Dharwad Bench.**

11. Record shows that after the completion of investigation charge-sheet is filed against accused in the concerned Court for the offence p/u/s. 64(2), (m), 74, 351(2) of the B.N.S. in connection with C.R. No. 57/2025 registered at Ramjanpura Police Station, Malegaon. The Ld. J.M.F.C. vide order dt. 11/08/2025 passed below Exh.1 committed the case to the Sessions Court Malegaon and the case has been allotted to this Court for disposal as per the law.

12. Copy of FIR prima facie shows that FIR is registered on 07/06/2025 at 23.30 hrs. for the said offences. In the FIR it is alleged that the informant/victim is 40 year old married lady having children and her sister, who was working in the Power Loom factory of accused, left the said job and joined the informant/victim at her place in the said Power Loom in the month of January 2025. It is further alleged that informant/victim had taken loan of Rs.5,000/- from the accused and it was decided that installments should be deducted from the weekly payment of informant/victim. It is further alleged that informant/victim regularly attending her job on the first floor of Power Loom factory and after one week the accused, who was having Office at upstairs, used to come upstairs and he used to hold the hand of informant/victim and used to touched her breasts and put his hands on her back and also used to hold her back. It is further alleged that when informant/victim refused to accused to do such acts, he threatened her that she should repay entire loan amount otherwise he would implicate her in false cases, therefore, she did not disclose about the acts of the accused to anyone.

13. In the FIR it is further alleged that before 5 to 6 days of

starting of Ramzan Days the informant/victim doing the labor work in the said Power Look factory, and on that day at about 12.00 noon the accused came and he came close to informant/victim and threatened her that if she would not repay amount of loan, he would defame her and would implicate in false cases, therefore, informant/victim got frightened and accused by holding her hand took her inside his office and forcibly committed sexually intercourse with her. It is further alleged that informant/victim was under fear and as accused was constantly threatening her she did not disclose about the incident to anyone. It is further alleged that after four days of the said incident the accused again threatened the informant/victim and took her inside his office and forcibly committed sexual intercourse with her. It is further alleged that even on the days of weekly off the accused used to call informant/victim and used to touched her body parts and used to threat her that he would defame her, therefore, without disclosing anything to anyone she alongwith her son and daughter went at her parents house and after some days she disclosed about the incidents to her parents and then on 02/06/2025 she returned to Malegaon and disclosed about the incidents to her sister and two Social Workers and thereafter she lodged report against accused.

14. I have gone through the statements of other witnesses and other investigation papers submitted alongwith the charge-sheet. The Medical Examination Report prima facie shows that history of incident was stated by the informant/victim to the Medical Officer. In that history she has stated that accused forcibly committed sexual intercourse with her at workplace by giving threats to her and she is pregnant from her husband. Medical Examination Report of accused prima facie shows that Medical Officer has opined that accused is

capable of doing intercourse. The investigation papers filed alongwith the charge-sheet prima facie shows that the accused is involved in committing the alleged offences. At this stage, considering the specific allegations in the FIR and other documents produced alongwith the charge-sheet, it cannot be said that false allegations are made by the informant/victim against accused. Though there is delay in lodging report against accused, in the FIR itself the reasons for the delay are stated by the informant/victim. Therefore, it can be said that the delay in lodging report is explained by the informant/victim.

15. Previous bail applications filed on behalf of accused are already rejected on merits by the concerned Addl. Sessions Judge, Malegaon. According to accused after the filing of charge-sheet this is the first bail application. At this stage, it cannot be said that as there is delay in lodging the report the informant/victim was having consensual sex with the accused as she has specifically alleged in the FIR and supplementary statement that accused forcibly committed sexual intercourse with her by threatening her that if she would not repay the loan amount he would implicate her in false cases.

16. So far as the alleged Pursis at Exh.11 allegedly filed by the informant/victim is concerned, in Para no.2 of this order I have already noted the reasons for not taking the said Pursis on record. Considering the objections raised by the I.O., Ld. APP and Ld Advocate for the informant/victim, prima facie it can be said that the relatives of accused or other persons associated with the accused were/are pressurizing the informant/victim for withdrawing the complaint/FIR. As per the Report dt. 25/09/2025 submitted by the I.O. at Exh.16, the informant/victim is not traceable in Malegaon City and the phone number which was made available is not reachable. Considering the specific material and

evidence against accused and considering the objections raised by the Ld. APP for the State and Ld. Advocate for the victim and also considering the case laws on which the Ld. Advocate for the accused, Ld. APP for the State and Ld. Advocate for the victim are relying, it can be said that at this stage the accused is not entitled for bail. Further, it can be said that if bail is granted to the accused, there is every possibility of his pressurizing the informant/victim and witnesses and tampering with the prosecution evidence. As the case is allotted to this Court for disposal as per the law, the charge can be framed against accused and trial can be expedited. As such, the application is to be rejected. Hence, I pass the following order.

**ORDER**

1. The application is rejected.
2. The case is fixed on next date for hearing in respect of framing of charge against the accused.
3. The I.O. and other concerned Police Officer/Officers to search for the informant/victim and to submit report to this Court about the steps taken by them for searching the informant/victim.
4. Inform accordingly, to the D.G.P./PP and Police Station Officer of the concerned Police Station.

(Soft copy of this bail order be sent to the concerned Jail Authority through E-mail for providing its copy to the accused.)

Date- 03/10/2025.  
Malegaon.

( K. R. Patil )  
Addl. Sessions Judge, Malegaon.  
Dist. Nashik.