

MHNS070026992025

Cri. Bail Appln. No. 1227 of 2025

Nadimoddin Alliuddin Shaikh
Vs
The State of Maharashtra,

ORDER BELOW Exh.1
(Passed on 10/03/2026)

1. This is an application under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023, (hereinafter for short 'the B.N.S.S.') for grant of anticipatory bail to applicant-accused in connection with C.R. No.62 of 2025 registered at Ayeshanagar Police Station, for the offence p/u/s. 64(2)(m), 351(2), 356(2), 308(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter for short 'the B.N.S.') and Section 4, 8, 12 and 17 of the Protection of Children From Sexual Offences Act, 2012 (hereinafter for short 'the POCSO Act').

2. Ld. APP appeared for the Respondent/State and opposed the application by filing written say of I.O. dt.22/12/2025 and 27/12/2025.

3. The informant/victim appeared through her Ld. Advocate and strongly opposed the application.

4. Heard, Shri. N.P. Marchant, Ld. advocate for the applicant-accused, Shri. S.K. Sonawane, Ld. APP for the State and Shri. F.A. Wasif Ld. Advocate for the informant. They argued vehemently.

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

The above mentioned crime is registered against Mohammad Yusuf Mohammad Iliyas. Later on during investigation names of other accused including the applicant-accused came to be added in the said

crime. It is alleged that the applicant-accused and other accused had blackmailed the accused Mohammad Yusuf Mohammad Iliyas. The applicant-accused is having apprehension that he may be arrested by police at any time, therefore, he is praying for anticipatory bail. He has not committed the alleged offences. He has been implicated only on the basis of suspicion. He has no connection with the alleged offences. Sections levelled could not be attracted against him. In the FIR his name is not stated. Even in the alleged statement of victim recorded under Section 183 of the B.N.S.S. she has not made any allegations against the applicant-accused. Investigation of the crime is already complete and charge-sheet is filed and it is bearing Special (POCSO) Case No. 213/2025. Statements of all witnesses are recorded by the I.O. All panchnamas are drawn and documents required for investigation are collected or seized by the I.O. Nothing is to be recovered and seized from the applicant-accused. Therefore, physical custody of the applicant-accused is not required for investigation. There is delay in lodging the FIR. The said delay is not properly explained. The applicant-accused is senior member of M.I.M. Political Party. He was the Corporator of Malegaon Municipal Corporation. He has been falsely implicated because of the political reasons and rivalry. Article 21 of the Indian Constitution guarantees personal liberty. It is settle law that bail is a rule and jail is exception. Accused No.2 and 3 in the present case have been granted regular bail by this Court. Allegations against them and allegations against applicant-accused are of similar nature. Therefore, on the ground of parity the applicant-accused is entitled for anticipatory bail. Municipal Corporation elections are going to be held, therefore, the applicant-accused wants to fill up the application form. He has been falsely implicated by the rival political

group only with an intention that the applicant-accused should not contest the Municipal Corporation Election. He is implicated only on the basis of alleged information given by the accused No.1 to the Police. As per law the statement of co-accused cannot found the basis of evidence against the concerned accused. The applicant-accused is having permanent residence. If he is arrested, his family members would suffer from starvation. He is having immovable property/properties. Therefore, he would not abscond. He is the only earning member in his family. He is ready to abide all conditions of bail and to co-operate the I.O. for further investigation, if any. Therefore, anticipatory bail be granted to the applicant-accused.

6. The Ld. Advocate for applicant-accused, in support of his submissions, relied on the copies of documents filed alongwith list at Exh.3, 6 and 9. He also relied on the following case laws-

- 1) **Rafique Salim Hashmi V/s. State of Maharashtra, Bail Application No. 198 of 2024 decided by the Hon'ble High Court of Judicature at Bombay on 05/07/2024.**
- 2) **Narayan Yadav V/s. State of Chhattisgarh, reported in 2025(3) Crimes 347 (SC).**

7. On the other hand, Ld. APP for the respondent/State and Ld. Advocate for the informant/victim submitted as under-

Accused Mohammad Yusuf Mohammad Iliyas under the garb of giving monetary help to the informant/victim, called her at his office and in one room in his office he committed sexual forceful intercourse with her against her will and also committed oral sex. He threatened informant/victim that if she would disclosed about this to any one he would kill her. Again in the Month of February 2025 he called her in one room situated in the Chawl at Raunakabad, Malegaon and forcibly

committed sexually intercourse with her and threatened her that the videography of her sexual acts would be made viral on social media. Accused Dr. Nausin Firdos and Shaikh Akil had provided room to the accused Mohammad Yusuf Mohammad Iliyas for committing the sexual acts with the victim. After the completion of investigation charge-sheet is already filed and it is bearing Special (POCSO) Case No.213/2025. During the pendency of said case accused Dr. Nausin Firdos and Shaikh Akil have been granted bail by this Court vide order dt.29/10/2025. The present applicant-accused is absconding since the commission of crime. He is yet to be arrested. Accused Mohammad Yusuf Mohammad Iliyas had given information that applicant-accused blackmailed him by saying that he is having the audio recording of accused Mohammad Yusuf Mohammad Iliyas with the informant/victim on phone and also he is having the video recording of the sexual acts committed by accused Mohammad Yusuf Mohammad Iliyas with the informant/victim. The applicant-accused and Dr. Nausin Firdos and Shaikh Akil had demanded Rs. 25 Lacs from the accused Mohammad Yusuf Mohammad Iliyas by blackmailing him. Accused Mohammad Yusuf Mohammad Iliyas has given Rs.15 Lacs to the applicant-accused because of the said blackmailing. The said amount is yet to be recovered from the applicant-accused. Further, the details of mobile phone of applicant-accused are yet to be collected and information about call details of other accused and applicant-accused are yet to be collected. Several crimes are registered against applicant-accused. Therefore, he is habitual offender. He is absconding in another crime i.e. C.R. No. 84/2025 registered at Pawarwadi Police Station. The informant/victim is minor girl and she has no connection with any political party. The applicant-accused and witness Abdul Maajid Mohammad Yunus Shaikh

are the workers of M.I.M. Political party. The applicant-accused left Malegaon City when he had got the knowledge of arrest of other accused. He has not visited the police station though information or notice was given to his family members. He has not co-operated with the police as he is absconding and not attending the police station. Considering the criminal background of the applicant-accused he is not entitled for anticipatory bail. If anticipatory bail is granted to him, there is every possibility that the further investigation would get hamper and amount of Rs. 15 lacs would not be recovered. Further he will pressurize the informant/victim and other witnesses and tamper with the evidence against him. His custody is necessary for carrying out the further investigation. The charge-sheet is filed by showing him absconding accused. Therefore, the application should be rejected.

8. I have perused the R & P of Special (POCSO) Case No.213/2025. It shows that accused Mohammad Yusuf Mohammad Iliyas i.e. accused No.1 and accused Dr. Nausin Firdos and Shaikh Akil i.e. accused No.2 and 3 and absconding accused i.e. applicant-accused who is shown as accused No.4 are charge-sheeted in connection with C.R. No.62/2025 registered at Ayeshanagar Police Station, for the offence p/u/s. 64(2)(m), 351(2), 356(2), 308(2), 3(5) of the B.N.S. and Section 4, 8, 12 and 17 of the POCSO Act.

9. Copy of FIR prima facie shows that initially FIR came to be registered on 30/08/2025 at 21.05 hours only against accused No.1 for the offence 64, 351(2), 356(2) of the B.N.S. and Section 4, 8, 12 of the POCSO Act. From the police papers prima facie it can be said that during investigation accused No.2 and 3 and absconding accused No.4 came to be added as accused in the present crime. In the FIR it is alleged that the father of informant/victim since one year is suffering

from paralysis and the family of informant/victim is very poor, therefore, she left her school education and decided to work and she got knowledge that one Yusuf Iliyas (accused No.1) used to help needy and poor persons, therefore, she decided to meet him and request him for help. It is further alleged that in the month of January 2025 in between 03.00 p.m. to 04.00 p.m. she went at the address of office of accused No.1 and at that time accused No.1 asked her to wait in his Office, therefore, she went upstairs in his Office and after 15 minutes accused No.1 came and he started touching body of the informant/victim. It is further alleged that the informant/victim resisted, at that time, accused No.1 forcefully took her in one room and forcible committed sexual intercourse with her, at that time she got frightened and when she was running from that place accused No.1 threatened her that if she would disclose about the incident to anyone he would make viral the video of their sexual acts and she would be defamed and no one would marry with her and accused No.1 gave Rs.3,000/- to her. It is further alleged that accused No.1 committed oral sex with the informant/victim and told her that he likes younger girls.

10. In the FIR, it is further alleged that accused No.1 had compelled the informant/victim to sit in that room for two hours and he repeatedly committed forcible sexual intercourse and oral sex with her and shown one video in his mobile phone and threatened her that if she would disclose about the acts committed by him he would make her video viral and she would be defamed in the society. In the FIR it is stated that the informant/victim went at her house however, because of the threats given by the said accused she did not disclose about the said incident to anyone.

11. In the FIR, it is further alleged that after 15 days i.e. February 2025 between 02.00 p.m. to 04.00 p.m. accused No.1 made a phone call to the informant/victim and asked her to come at Mannat Banglow and as she was under threats she went at that place and accused No.1 took her on his motorcycle and brought her in one room in the Chawl and forcibly committed sexual intercourse with her and when the informant/victim resisted he threatened her that he would make her video viral and he put burning cigarette on her right hand, therefore, she kept mum. It is further alleged that at that time accused No.1 gave her Rs.2,000/- and as the said accused had threatened her she did not disclose about the incident to anyone.

12. In the FIR, it is further alleged that prior to one month of lodging report informant/victim got knowledge from neighboring person that one video is made viral and in that video accused No.1 and one girl wearing 'Nakab' are appearing, therefore, the informant/victim saw the said video and she identified herself, however, as she was wearing 'Nakab' other persons could not identify her. It is further alleged that accused No.1 by making the said video viral had tried to defame the informant/victim, however, as he had threatened her she did not disclose about it to any one.

13. In the FIR, it is further alleged that on 30/08/2025 at about 02.00 p.m. the informant/victim went in Civil Hospital, Malegaon as she was not feeling well and when she was outside and crying in the campus of the Civil Hospital, Malegaon, one woman, who was known to her, came near to her and asked her as to why she is crying, at that time, she (informant/victim) disclosed about the acts committed by the accused No.1. It is further alleged that the said woman convinced the

informant/victim that if she would not lodge a report against accused No.1, he would again harass her and commit sexual intercourse with her against her will, therefore, the informant/victim lodged this report to police.

14. I have perused the charge-sheet and investigation papers in the Special Case (POCSO) No. 213/2025. From the charge-sheet and investigation papers and the say and additional say of I.O., prima facie it can be said that during the investigation accused No.1 had disclosed certain facts to the I.O. According to accused No.1 the accused No.2 and 3 and accused Naddimoddin Alliuddin Shaikh i.e. applicant-accused who is shown as absconding accused, had extorted amount of Rs.15 lacs from him by threatening him that they would make the video of sexual acts committed by him with the informant/victim viral in the social media if he would not give amount of Rs.25 lacs to them. As per the prosecution story, after the discussion with other accused, the accused No.1 gave amount of Rs.15 lacs to applicant-accused/absconding accused Naddimoddin Alliuddin Shaikh for not making said video viral on social media.

15. I have gone through the statements of witnesses including the supplementary statement of informant/victim and the statement of victim recorded under Section 183 of the B.N.S.S. In supplementary statement allegations are made against accused No.2 and 3 that they had told her to meet accused No.1 as he would be helping her economically. In the supplementary statement of informant/victim she has stated the names of accused No. 2 and 3 and that accused No.1 had talked with accused No.2 on mobile phone after the informant/victim returned from the room made available to the accused No.1 for

committing the sexual acts with the informant/victim.

16. After going through the contents of FIR and statements of witnesses prima facie it can be said that allegations of alleged sexual acts committed on the informant/victim are only against accused Mohammad Yusuf Mohammad Iliyas. In the supplementary statement of victim there are allegations against accused No. 2 and 3 that both provided room to the accused No.1 for committing the sexual acts/intercourse with the informant/victim. So far as the applicant-accused is concerned it is alleged that he and accused No.2 and 3 had blackmailed the accused No.1 and applicant-accused took amount of Rs.15 Lacs from the accused No.1 for not making the said video viral in the social media. In the say of I.O., it is written that the said amount of Rs. 15 Lacs is yet to be recovered and for that purpose the custody of the applicant-accused is necessary. Though in the FIR or statements of victim she has not stated the name of the applicant-accused, considering the other investigation papers and the say and additional say of I.O., prima facie it can be said that there is sufficient material and evidence against applicant-accused showing his involvement in demanding the money from the accused no.1 or blackmailing the accused No.1 with the help of accused No.2 and 3 and that he had received amount of Rs.15 Lacs from the accused no.1 for not making the alleged video viral in the social media. In the charge-sheet the applicant-accused is shown as absconding accused. He is shown as accused No.4. In the say and additional say of I.O. he has given the list of following crimes registered against the applicant-accused.

Sr. No.	Police Station	C.R. No.	Offences
1.	Azadnagar	86/2016	U/s. 353, 294, 323, 504, 506
2.	Azadnagar	218/2024	U/s. 109(1), 61(2), 110, 125 of

			B.N.S. 3/25, 5/25 of Arms Act
3.	Azadnagar	44/2020	U/s. 353, 439, 506, 143, 147, 149
4.	Pawarwadi	62/2025	384, 386, 341 of the I.P.C.
5.	Pawarwadi	48/2025	109(1), 351(2)(3), 3(5) of B.N.S.
6.	Begampura Police Station Sambhajinagar	468/2021	376, 328, 506 of the I.P.C.
7.	Pawarwadi	84/2025	109(1), 351(2)(3), 3(5) of B.N.S.

17. I have gone through the case laws on which the Ld. Advocate for the applicant-accused is relying. The facts and circumstances of the cases discussed in those case laws are different than the facts and circumstances of the case as in the present case there is sufficient material and evidence against applicant-accused showing his involvement alongwith accused No.2 and 3 in blackmailing the accused No.1. Therefore, the said case laws are not applicable to the present case.

18. Thus, after considering the allegations against applicant-accused and the fact that he is shown as absconding accused in the charge-sheet filed against accused No.1 to 4, which is bearing Special (POCSO) Case No. 213/2025 and also considering the various objections raised by the I.O., Ld. APP for the State and Ld. Advocate for the informant/victim, prima facie it can be said that custody of the applicant-accused is necessary to carry out the further investigation of crime/offence allegedly committed by the applicant-accused. In view of this and considering the above mentioned list of crimes registered against the applicant-accused, it can be said that this is not a fit case to grant anticipatory bail to him. As such, the application is to be rejected. Hence, I pass the following order.

ORDER

1. The application is hereby rejected.
2. Inform accordingly, to the D.G.P/PP and Police Officer of concerned Police Station.

Date- 10/03/2026
Malegaon.

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