

ORDER BELOW EXHIBIT-01
In Criminal Bail Application No.121/2026
(Mohd.Abrar Abdul Samad .Vs. State)
[CNR NO.: MHAK050004072026]

01. This is an application for bail after filing charge-sheet under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The applicant is arrayed as an accused in Crime No.467/2026 registered with Akot City Police Station for the offences punishable under Sections 64(2)(m), 78, 308(3), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 66(e), 67 and 67(a) of the Information Technology Act, 2000 (for short 'B.N.S and I.T.Act').

Prosecution case is as follows :

02. The informant victim, herein lodged report at Akot City Police Station on 02.05.2026 informing that, she has been residing at Shimpi Pura Adgaon Bk. with her husband, son, brother-in-law and sister-in-law. Mohd.Abrar Abdul Samad has been residing near her house. The victim used to take her son to a tuition class each day between 07.00 pm to 08.00 pm. Mohd.Abrar used to talk to her at that time. She never used to respond to his talks. Therefore, Mohd.Abrar threatened her that he would kidnap and kill her son if she did not give him her cell-phone number. Therefore, she gave him her cell-phone number. Since then Mohd.Abrar used to talk with her on cell-phone.

03. In the second week of January 2026, husband of the victim had gone out for work. Her son had gone to school. The victim was alone at the house. Her brother-in-law and sister-in-law were also out of station. Taking its disadvantage, Mohd.Abrar came into the house of informant, disrobed her

and did sexual intercourse with her. Thereafter he used to visit house of the victim from time to time whenever she used to be alone and used to do sexual intercourse. He accordingly did sexual intercourse with her for about 10 to 11 times forcibly. Mohd.Abrar thereafter told the victim that he had snapped videos of the instances of sexual intercourse between him and her and that he would make those viral. Uncle of husband of the victim used to reside at Akola. He was retired from service and had suffered an attack of paralysis. His wife had died earlier. The victim therefore had brought uncle of her husband at Akot an used to look after her. The said uncle used to receive pension amount. The victim used to take care of him from the said amount. Remaining amount of the said pension used to be given by her to her husband. Mohd.Shafi used to come to the house of the victim. He used to insist that the victim should give half of the pension amount to him. Mohd.Shafi used to instigate husband of the victim against the victim. Mohd.Shafi had demanded Rs.15,00,000/- from the victim. He used to threat the victim that, unless she gives the amount to him, he would make her photos and videos viral, as were taken and snapped by Mohd. Abrar and would defame her thereby.

04. On 13.04.2026, Mohd.Shafi sent one video of the victim to her brother-in-law and told that he should intimate the victim to give money to him, else otherwise, he would make her video viral. Brother-in-law of the victim tried to pacify Mohd.Shafi. On 14.04.2026 the victim came to her house at Akot. Mohd.Shafi showed video of the victim to her husband and instigated him against her. There was quarrel between the victim and her husband. The victim, thereafter, went to reside at her parents house at Adgaon. She, however, did not disclose anything to her parents as she was apprehending that, their

health would get deteriorated. Still her parents asked her as to what had happened. She told them that, Mohd.Abrar had done sexual intercourse with her by black mailing her. She also told them that, Mohd.Shafi was threatening her to make her video viral. Later on husband of younger sister of the victim told her that, he had received one such video on his cell-phone. As such, the victim came to know that, Mohd.Abrar and Mohd.Shafi had defamed her having their common intention thereabout. Upon such report being lodged, the investigation did swing into motion. The applicant is behind bars since 02.05.2026. The investigation has been completed and charge-sheet awaits committal from the court of learned J.M.F.C., Akot.

05. According to the applicant, he is a poor laborer. His wife and two sons and parents are dependent upon him. Old aged father of the applicant is suffering from cancer. The applicant is required to take care of his father. The victim is a married woman. Her marriage was solemnized 12 years ago. Her husband is deaf and dumb. He is a mechanic. The victim is having one son of 11 years age. The victim and the applicant are residing in same locality. Alleged offence has not been committed by him. FIR is lodged by the victim merely to avoid the divorce being given by the husband of the victim and to save her from any liability. The investigation has been completed. Cell phone of the applicant has been seized during the investigation. Nothing remains to be seized or recovered from the applicant or investigated as such. The applicant has no criminal antecedents. His further incarceration is not required. He is ready to abide by the conditions as may be imposed in respect of bail. Accordingly, the applicant prayed for bail.

06. The applicant further submits that, there is no eye witness to the incident. Though the projected offence is alleged to have occurred on public road i.e. hurling threats to the victim, no independent eye witness to it. Section 64(2) of the BNS is not applicable. Similarly, provisions of the I.T.Act are also not applicable. Other accused persons Mohd.Shafi and Taharirullakhan are already released on bail. The applicant is ready to abide by the conditions as may be imposed by the court.

07. The State prosecution opposed the application contentions by filing reply Exh-5. According to the prosecution, the offence is serious in nature. If the applicant is released on bail, he would pressurize the victim. He would also pressurize the relatives of the victim and witnesses. There is no change in circumstance. The available material as has been revealed during the investigation till the day shows specific role in respect of the applicant. The said role is that, the applicant did forcible sexual intercourse with the victim from time to time. If the application is allowed, the victim would be compelled to change her version due to pressure of the applicant. As such, the application be rejected.

08. The victim opposed the bail application by filing pursis at Exh-10. She supported the say filed by the prosecution. As such, the application is prayed to be rejected.

09. Heard learned advocate Shri Quazi for the applicant and learned APP Shri Deshmukh for the State Prosecution. Heard learned advocate Shri Kulkarni for the informant. Perused the available material.

10. Points for determination and findings thereon are as follows -

<u>Sr.No.</u>	<u>Points</u>	<u>Findings</u>
1.	Does the applicant proves that, he has made out ground for bail under section 483 of BNSS?	Yes.
2.	Whether the applicant is entitled to bail as prayed for ?	Yes.
3.	What order ?	As per final order.

REASONS

As To Point Nos. 1 and 2 :

11. While appreciating merits of the application contentions, it may be noted that, though there is overt allegation that, the accused allegedly committed forcibly sexual intercourse with the victim, there is substantial delay in lodging report thereabout. It may be noted that, as per FIR, the alleged incident initially took place in the second week of January-2026. However, report is lodged on 02.05.2026. There is substantial delay in setting law into motion, which, for the sake of bail, tilts in favour of the applicant/accused. Regarding the alleged offence it may be noted that, the alleged threats did start at the behest of the accused in the second week of January-2026. FIR itself shows that, thereafter, there were 10 to 11 instances of forcible sexual intercourse. However, why the report was not lodged in the span of five months, is not made clear.

12. There is allegation that, the alleged instances of rape were video-graphed. However, panchanama dtd.04.05.2026 does show that, there was no such video found in the cell phone of the applicant. Rather, the cell phones on record and

video clips do not show any forcible sexual intercourse as such. In that regard, the said circumstance tilts in favour of the applicant to grant bail.

13. Regarding actual incident, the FIR, statement of the victim recorded u/s.183 and statement of the victim recorded during the investigation by the Investigating Officer do show different and inconsistent roles by accused No.1. FIR dtd.02.05.2026 attributes the sole role of the alleged intercourse against the applicant. Her statement recorded by the Investigating Officer dtd.23.06.2026 (a much belated statement) would show that, it was Mohd.Shafi who gave Rs.5,00,000/- to the applicant and as per his instigation, the applicant did sexual intercourse. The said statement also shows that, even Mohd.Shafi was forcing the victim to have sexual intercourse with him (i.e. with Mohd.Shafi). It is further added on inconsistent lines in this statement that, once Mohd.Shafi, Mohd.Abrar (the applicant) and Taharirullaakhan came in the house of the applicant. Mohd.Shafi compelled the applicant to do sexual intercourse with the victim and it was video-graphed by Mohd.Shafi and Taharirullakhan. This account of the incident is altogether novel to FIR allegations.

14. In addition, statement of the victim as recorded u/s.183 of BNSS projects some different incident. The victim stated therein that, Mohd.Shafi and the applicant both were blackmailing the victim. Mohd.Shafi used to visit the the house of victim every alternate day and used to do forcible sexual intercourse with her. He further video-graphed the victim when she was undressing and was doing makeup. At that time, Mohd.Shafi had put knife on her stomach. Mohd.Shafi demanded Rs.15,00,000/-. Son of Mohd. Shafi naming Mutsad

was also involved in it. On 14th of April Mohd. Shafi had come to house of the victim. He instigated husband of the victim. Thereupon husband of the victim started chasing the victim with weapons. Therefore, the victim and her son fled away to her parent's house. Mohd.Shafi told her parents that, they should set fire to the victim and kill her. The victim was compelled to talk with the applicant. Mohd.Shafi used to say that, cell phone of the victim was hacked.

15. From the perusal of statement of the victim as recorded by the police, her statement as recorded by learned Judicial Magistrate First Class and FIR, it emerges that, there is absolutely no consistency as to the overt acts of accused persons. This disparity and variance tilts in favour of the applicant in order to claim bail. In addition it may be noted that, there is absolutely no medical support to the alleged incident.

16. Having regard to the foregoing circumstances, it may be gathered that, there is disparity as to overt acts allegedly at the behest of accused persons. The applicant has no criminal antecedents. The applicant is behind bars since inception i.e. since 02.05.2026. In the above circumstances, the applicant's further pre-trial incarceration is not legally warranted. The applicant, as such, is entitled to bail. As such, the points under consideration are answered accordingly. Hence, the order -

ORDER

1. The application is allowed.
2. Applicant Mohd. Abrar Abdul Samad be released in Crime No.467/2026 registered with Akot City Police Station for the offences punishable under Sections 64(2)(m), 78, 308(3), 351(2) and 3(5) of the Bharatiya

Nyaya Sanhita, 2023 read with Sections 66(e), 67 and 67(a) of the Information Technology Act, 2000, on P.B. and S.B. of Rs.25,000/-, subject to following conditions-

- a. The applicant shall not commit any offence similar to the offence of which, they are accused of.**
- b. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.**
- c. The applicant shall not enter into the vicinity of Mominpura Akot or at any place where the informant herein has been residing till completion of evidence of the informant.**

3. Bail before committal court.

**Place : Akot.
Date : 22.07.2026.**

**(B. M. Patil)
Additional Sessions Judge,
Akot.**