

Cri. Bail Application No.164/2026

Danish Ejaj Shaikh Vs. State.

CNR No.MHNS31006602026

**ORDER BELOW EXH. 1**

1. This is an application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for the grant of bail in Crime Registration No.156/2026, registered with Deolali Police Station, Dist. Nashik, for the offenses punishable under Sections 69, 75, 299, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (Hereinafter referred to as 'the BNS' for short) and Section 3(1)(w)(i), 3(1)(w)(ii), 3(1)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (Hereinafter referred to as 'the Atrocities Act' for short).
2. Heard learned counsel for the applicant, learned A.PP for the State, ld. Advocate for informant. They have argued in length, in the same line that of their contentions. Perused the record.
3. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated. It is contended that the investigation is substantially over and the applicant has remained in custody for a considerable period. It is further submitted that the applicant is a permanent resident of the local area and there is no possibility of absconding or tampering with the prosecution evidence.
4. Per contra, learned APP and advocate for victim opposed the

application and submitted that the offence is of a serious nature and is exclusively triable by the Court of Sessions. It is submitted that there is prima-facie material connecting the applicant with the crime. According to the prosecution, release of the applicant on bail would create a possibility of influencing witnesses and adversely affecting the trial. Considering the nature of punishment, possibility of tampering evidence, fleeing away from justice, threatening the witnesses can not be ruled out and, therefore, the application deserves rejection.

5. As per the FIR, As per the FIR, Between July 2022 and February 2026, Danish Shaikh, Tausif Akhtar, and Nida Khan hurt the complainant's religious sentiments by making offensive remarks about Hindu deities. Danish gained the complainant's trust by lying to her and promising marriage, subsequently engaging in sexual relations with her at locations including Khandoba Tekdi and a hotel-resort in Deolali on Trimbak Road. Tausif subjected the complainant to acts causing her to feel humiliated and ashamed by engaging in sexual misconduct with her, such as grabbing her, in the office lobby and pantry. Additionally, the accused, Danish Shaikh, Tausif Akhtar, and Nida Khan, insulted the complainant by using casteist language.

6. Accused No.1 Danish subjected the victim to sexual assault under the false pretext of marriage. Accused No.2 Tausif molested the victim by repeatedly demanding sexual favors, by threatening to disclose to her family that she had engaged in physical relations

with Accused Danish Shaikh at their workplace. Furthermore, the accused Nida, along with both co-accused, attempted to coerce the victim into religious conversion by instilling fear in her and repeatedly offending her religious sentiments. The accused committed the aforementioned crime despite being fully aware that the victim belonged to a Scheduled Caste. The accused Nida and the other co-accused had provided a Burqa to the victim to facilitate her religious conversion. The book containing information regarding the Muslim faith, titled "The Holy Life of Prophet Muhammad (PBUH)," which was handed over to the victim by Accused No. 1. The accused, Nida Khan, had installed an Islamic religious application on the victim's mobile phone with the specific intent of converting the victim's religion. Furthermore, the accused repeatedly sent YouTube links, Instagram links, and 'Reels' via mobile, which contained religious teachings pertaining to her faith. That the accused Nida was imparting religious teachings to the victim from time to time, in her home and instructed her how to perform 'Namaz' (prayer) and how to properly wear a 'Hijab' and 'Burqa'. That the applicant and the other accused conspired together to commit the said crime; specifically, accused Danish Shaikh took possession of the victim's educational and other vital documents with the intention of facilitating a change in her name through the assistance of a party based in Malegaon. Accused No.1 Danish Shaikh, and Accused No.2 Tausif, are involved in planning to send the victim towards a person named Imran at Malaysia .

7. On perusal of material on record, the role of present accused is that he hurt the victim's religious sentiments by making offensive remarks about Hindu deities. Accused Danish gained the victim's trust by lying to her and promising marriage, subsequently engaging in sexual relations with her, despite he is already married and thereby deceived her. The accused committed the aforementioned crime despite being fully aware that the victim belonged to a Scheduled Caste. The accused Nida and the other co-accused had provided a Burqa to the victim to facilitate her religious conversion also book containing information regarding the Muslim faith, titled "The Holy Life of Prophet Muhammad (PBUH)," which was handed over to the victim by Accused No. 1.
8. Upon consideration of the rival submissions and the material available on record, it appears that the accusations against the applicant are grave in nature. The investigation papers disclose prima-facie involvement of the applicant in the commission of the alleged offence. The statements of material witnesses and other evidence collected during investigation indicate the complicity of the applicant.
9. At the stage of consideration of bail, a detailed examination of the evidence is not warranted. However, the Court is required to consider the nature and gravity of the accusation, severity of punishment in the event of conviction, possibility of tampering with evidence, and likelihood of the accused fleeing from justice.

10. Having regard to the seriousness of the allegations, the manner in which the offence is alleged to have been committed, emotional effect on victim and influence flashed by the accused and the prima-facie material available on record, this Court is of the opinion that no case is made out for exercising discretionary jurisdiction in favour of the applicant. There is also substance in the apprehension expressed by the prosecution regarding possible influence on material witnesses if the applicant is released on bail at this stage. Considering the nature of punishment, possibility of tampering evidence, fleeing away from justice, threatening the witnesses, emotionally black-mailing, can not be ruled out
11. In view of the aforesaid circumstances, this Court does not find any justifiable ground to enlarge the applicant on regular bail. Considering the overall circumstances, and the trauma on the victim and the nature of the alleged crime, he does not deserve to be enlarged on bail until evidence of material witnesses, is recorded, in the trial. Hence, the following order.

**ORDER**

The application is hereby rejected

Date : 06/07/2026  
Place: Nashik-road

(K.G.Joshi)  
Addl. Sessions/Spl. Judge, Nashik-road.