

Cri.Bail Application No.178/2026
Nida Ejaz Khan Vs. State
CNR No.MHNS310007152026

ORDER BELOW EXH. 1

1. This is an application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for the grant of anticipatory 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 Shri. R.J.Kasliwal for the applicant, learned District Government Prosecutor (DGP) Shri.A.S.Misar for the State and Investigating officer, and Ld Advocate Shri. M.G.Kurkute for the victim. Perused the record.
3. Ld. advocate for applicant, in gist, submitted that the victim and the applicant were serving in the same office. Therefore, they knew each other and used to meet daily. The applicant never hurt the religious sentiments of the victim. Assuming, for the moment, that the applicant had hurt the religious sentiments of the victim, even then the said offense is punishable by up to three years. The applicant is highly educated and working as an associate in the TCS company. On 09/04/2026, the applicant was removed from service.

The applicant is three months pregnant. Therefore, if she is arrested, irreparable loss will be caused to the child.

4. He further submitted that on perusal of the complaint, the alleged provisions of Section 69 and 75 of the BNS would not be attracted against the applicant. The applicant is falsely implicated under a political motive. The alleged penal provisions, are not attracted for the applicant. Therefore, there is no need to take any information from the applicant. It is alleged that the applicant asked the caste of the victim, but asking the caste would not amount to insult. The alleged humiliation was based on caste in the office. But there is no material showing that the said humiliation was within public view, i.e., within the hearing of the public. Therefore, no bar of Section 18 of the Atrocities Act would be attracted. In the supplementary statement and statement under Section 183 of the BNSS, for the first time the victim has alleged against the applicant and other accused. Nothing is mentioned about the same in the FIR. All the allegations and the penal provisions are attracted to accused Danish and Taushif and not to applicant Nida. After lodging the FIR, there was an improvement, and the victim came with a different story. There are no allegations of conversion of religion in the FIR, only the allegations regarding hurt to religious sentiments. There is no central act regarding the conversion of religion, only in Uttar Pradesh and Karnataka have enacted the law, but such is not case in Maharashtra.

5. He further submitted that there is no provision under BNS regarding the conversion of religion, as alleged. Section 299 of the

BNS does not speak about the conversion of religion, but it speaks only about the hurt to religious sentiments. Section 299 of the BNS concerns the community, and Section 302 of the BNS concerns an individual person. Nothing is mentioned in the FIR regarding the victim's religious sentiments being hurt by the applicant; casual talk about religion is not an offense. At most, Section 302 of the BNS would apply, which is bailable.

6. He further submitted that one can profess any religion as per his choice; accordingly, if the victim adopted any such religion, that would not be an offense committed by the applicant. Freedom of speech is being converted into an offense. The section regarding conspiracy is not added; therefore, the individual role needs to be examined. There are CCTV cameras in the TCS company, and the victim is not seen wearing a 'Burqa'. There is a variance in the statement under Section 183 of the BNSS, the supplementary statement, and the FIR. The allegations are completely unfounded. The victim only had an affair with the Muslim person; a false case is registered with a political motive, as the accused, Danish, has refused to marry the victim, she took revenge. Nothing is to be recovered or discovered from the applicant. There are eight offenses registered against the main accused, Danish, and Tausif. The period of all the offenses is from 2022 to 2026. Personal liberty cannot be withheld with a political motive; therefore, it is prayed to allow the same.

7. Per contra, it is submitted by the Ld. DGP that since July 2023 to 2026, the accused, including the applicant, influenced the victim

for conversion and also hurt the religious sentiments of the victim. The name and role of the victim is categorically stated in the F.I.R. Accused Danish is a Process Associate in the said company. Accused Tausif is a Senior Process Associate. Applicant Nida is a Trainee Grade Officer. During the investigation, the conspiracy hatched with the communication by all the accused. The accused were knowing the caste of the victim, as they were working together. The medical certificate of the victim was with accused No.1. The statement of the hotel owner shows that the victim and accused Danish have given their identity cards. The investigation shows that the applicant Nida and the victim were in talking terms with each other, and they used to chat during the leisure period. The applicant used to brainwash the victim for professing her religion. The statements of the victim, her mother, and brother are recorded under Section 183 of the BNSS, which shows the gravity of the offense and the involvement of the present applicant in the systematic plan of brainwashing of the victim.

8. Ld. DGP further submitted that the investigation shows that the accused, along with the applicant, threatened the victim and forced her to behave as per their wish and motto. She was compelled to follow their religious observations and daily religious routine. The investigation further shows that the applicant has given a 'Burqa' to the victim and also given books regarding the life story of Prophet Mohammad Paigambar. The applicant has also installed mobile applications of Muslim tenets and religious activities. The mobile is sent to Forensic Science Laboratory.

9. Ld. DGP further submitted that the applicant used to visit the victim's house to give training of her religion. The investigation shows that the victim's name was to be changed to Haniya, and she was to be sent to Malaysia. The documents were to be prepared with the help of the Malegaon Party. In these circumstances, custodial interrogation is necessary to investigate whether any international syndicate is involved and whether the applicant is connected to the same. An FIR is not an encyclopedia. The supplementary statement and the statement under Section 183 of the BNSS speak about the same. The applicant also tried to convert the family members by making threats and using dominant position in the office. She also asked the victim to observe the fast of Ramadan (Roza). The accused, including the applicant, tried to change the victim's name, and some city and country names were revealed during the investigation. Foreign funding and the money trail need to be investigated. Therefore, custodial interrogation is necessary. The applicant's involvement is evident during the investigation. There is no difference in the eyes of law for an offense committed by a normal person or a pregnant woman. An SIT is formed for the investigation. The Women's Commission, headed by a retired justice, is monitoring the entire investigation. Therefore, there will not be any harassment during the custodial interrogation, as alleged by the applicant.
10. Investigating officer submitted that 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 applicant-accused, 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.

11. He further submitted that the applicant-accused and the other co-accused had provided a Burqa to the victim to facilitate her religious conversion. This Burqa has since been seized. 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, has also been seized. The applicant-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 applicant-accused repeatedly sent YouTube links, Instagram links, and 'Reels' via mobile, which contained religious teachings pertaining to her faith. Further investigation regarding these actions is required, and the mobile phone belonging to the applicant-accused needs to be seized. It is necessary to investigate and ascertain from the applicant-accused the source from which she obtained the YouTube links, Instagram links, Reels, and videos containing religious teachings that she was sending to the victim.

12. He further submitted that the applicant-accused 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'. Further investigation into these matters is required. It is necessary to investigate and ascertain whether the 'Burqa' was procured or purchased by the applicant and at which place the 'Burqa' was handed over to the victim.
13. He further submitted that it is necessary to investigate and ascertain from the applicant-accused whether anyone provided financial assistance or other forms of aid to facilitate the commission of the said crime. It is necessary to investigate and ascertain who provided shelter to the applicant-accused since the time the First Information Report (FIR) regarding this crime was registered. Furthermore, it is necessary to investigate whether the applicant-accused remained in contact with the other accused individuals subsequent to her transfer from the company where she was employed.
14. He further submitted that the applicant and the other accused individuals 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. Consequently, it is necessary to investigate and obtain information from the applicant-accused regarding this "Malegaon party."

15. He further submitted that accused No.1 Danish Shaikh, and Accused No.2 Tausif, are involved in planning to send the victim to Malaysia for a job. The consignment was intended to be sent to a person named Imran. Since all three accused acted in conspiracy in the commission of the said offense, the investigating agency needs to interrogate the applicant-accused to gather information regarding the person named Imran, who is based in Malaysia. The investigation into the said crime is ongoing, and the statements of key witnesses under Section 183 of the BNSS are yet to be recorded. If anticipatory bail is granted to the accused, the possibility cannot be ruled out that they may exert direct or indirect pressure on the victim and witnesses involved in the case, thereby dissuading them from testifying.

16. Learned advocate for the victim submitted that the victim was brainwashed by accused No.1 & 3 and the applicant was also involved in forcing the victim to convert to their religion. The applicant used to give training about offering of Namaz, how to wear 'Burqa' and 'Hijab', and daily religious observations. Even the applicant gave a 'Burqa' to the victim. Accused Nos.1 to 3 are in conspiracy. They used undue influence of their positions in the company and forced the victim to follow their religion. They compelled her to eat non-vegetarian food. The victim's religious sentiments were hurt by the accused. The accused were making obscene remarks against Lord Shiva, Lord Krishna, Lord Brahmadev, and others, and also tried to teach how their religion is superior. Accused including the applicant, also humiliated the

victim in the office regarding her caste, saying that her caste is lower in her religion. Therefore, the investigation must continue to its logical end, and he requested to reject the same.

17. On perusal of the material on record, in light of the submissions made by both sides, and after examining the documents shown by the investigating officer during the argument, it prima facie appears that accused Nos.1 and 2 are involved in the offenses under Sections 69, 75 of the BNS and that the applicant is involved in the offenses under Sections 299 of the BNS, along with Section 3 of the Atrocities Act.
18. On perusal of the material on record, the investigation points towards the involvement of the applicant; her role is clearly mentioned in the FIR. It is specifically mentioned in the FIR, the name and role of the applicant and other accused, that they told objectionable stories against the deities of the Hindu religion and hurt her religious feelings. The accused, Danish, also cheated her and had a physical relationship under the guise of marriage. Even though he was married, he concealed that fact.
19. No doubt, Sections 69 and 75 of the BNS are not attracted against the present applicant, but the entire investigation shows that accused Nos.1 and 2, with the help of the applicant, tried to brainwash the victim and tried to teach that the Hindu religion has objectionable stories. They have also specifically made obscene remarks against Lord Shiva, Lord Krishna, and Brahmadeva and hurt religious sentiments. The investigation also shows that the

applicant gave a 'Burqa', the accused also provided a life story book of Prophet Muhammad Paigambar. The material on record shows that the applicant used to visit the victim's house to give training regarding 'Namaz' and other daily religious observations.

20. Prima facie, it appeared that the applicant's role is specifically mentioned, and involvement is also seen. The magnitude of the offense is truly multi-dimensional and multi-layered. The material on record shows that the accused tried to change the victim's name. No doubt, the victim has a Constitutional right to profess any religion and have any name of her own choice, but that does not mean she should be brainwashed for the same and that too with organised plan. The material on record shows that after changing the name, the accused wanted to send her to Malaysia. For the purpose of changing the name, they were taking the help of the Malegaon party. Admittedly, names of some cities and countries were revealed during the investigation. Considering the applicant's involvement along with the other accused and the magnitude of the offense, custodial interrogation is necessary to go to the root of the case.

21. On perusal of material on record, it is clear that the investigation is complicated and multi-dimensional. In these premises, the physical custody of the accused is warranted.

22. In **State v. Anil Sharma, (1997) 7 SCC 187**, Hon'ble Supreme Court observed that when the accused is in a high public position, custodial interrogation is indispensable, as interrogation

of a person protected by pre-arrest bail would be reduced to a mere ritual. The ratio squarely applies here, considering the applicant's post in reputed company.

23. In **Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379**, it is observed that anticipatory bail should not be granted where investigation is at a crucial stage and custodial interrogation is necessary. In present case investigation is still going on, as the involvement of the accused-applicant is prima facie seen, the requirement of the investigation for confrontation of the applicant with the other accused cannot be ruled out. Therefore, above ratio is squarely applicable to the present case.

24. Admittedly, the applicant is seeking anticipatory bail on the ground that she has not committed any offence, as alleged and she is falsely implicated. It is settled legal principle that the power under Section 482 of BNSS being an extraordinary remedy has to be exercised sparingly. The alleged offence seems to be systematic plan of brainwashing of the victim with organized attempts. It is also settled legal principle by way of catena of judgments of Hon'ble Apex Court and Hon'ble High Court in various bail matters that the pre-arrest bail should be granted only in exceptional cases.

25. Needless to say that grant of anticipatory bail to some extent, would cause interference in the sphere of investigation of an offence. Anticipatory bail is not to be granted as a matter of rule and has to be granted only when there are convincing, exceptional circumstances exist to resort that extraordinary remedy.

26. Considering the gravity of the offence, the involvement of applicant and other accused with particular motive organized attempts, and the necessity of detailed investigation regarding undue influence on the victim, imbibing or forcing particular religion under threat or otherwise. Considering the seriousness and magnitude of the alleged offence, the role attributed to the applicant, and the settled legal principles, the court is of the opinion that this is not a fit case for granting anticipatory bail. Application is devoid of merit. Hence, the following order.

ORDER

Anticipatory Bail Application No.178/2026 is hereby rejected.

Date : 02/05/2026
Place: Nashik-road

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