MHCC050056202026

IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO. 1566 OF 2026
IN
(C. R. NO. 587 OF 2026 WITH MEGHWADI POLICE STATION)

[redacted] ...Applicant

Versus

The State of Maharashtra
At the instance of Meghwadi Police Station. …Respondent.

Ld. Adv. Karim Pathan along with Adv. Fazal Shaikh along with Adv. P. P. Tiwaris for Applicant.
Ld. APP. Ms. R. S. Kanojia for Respondent.
Adv. Abhishek Dubey for intervenor.

CORAM : THE H.H. ADDITIONAL SESSIONS JUDGE
SHRI P. A. SANE (C.R. No.15)
DATE : 20th November, 2026

ORAL ORDER

This is the anticipatory bail application filed by the applicant [redacted] in connection with Cr. No. [redacted] 2026 registered with [redacted] Police Station for the offence punishable u/sec 9(1) of Maharashtra Freedom of Religion Act, 2026.

2. Crime is registered on the basis of report filed by first informant Smt. 'X'. It is contended that she is having a daughter 'S' and they belong to Hindu religion. During the period of lockdown, for education, they provided mobile to her daughter and thereafter, they realised that her daughter used to speak with someone on mobile. However, the daughter told that she used to speak to her friend. In the year 2022, her husband caught their daughter while speaking with someone on phone and that is the present applicant. Then both of them told her not to speak with the present applicant. After the demise of the husband of first informant, the present applicant made friendship with daughter 'S' and called her frequently to meet. He told her daughter that they would marry and got more close. The first informant and the neighbourers came to know that the present applicant was going to marry her daughter. Hence, they shifted from Jogeshwari to Virar. At Virar, her daughter used to go for her beauty parlour orders and again, the present applicant was in contact with daughter 'S'. The present applicant told her daughter that if she accepted Islam, he would marry her. On 18/10/2026, when the first informant was not well, her daughter went for beauty parlor order at about 8.00 a.m. After 12 noon, she called her daughter who told that she was busy but thereafter, she did not return home and hence, she filed missing compliant with Virar police station saying that somebody might have kidnapped her daughter. On 20/10/2026, her daughter told her that she had married the present applicant at Bandra and showed the certificate on mobile. She was called at police station where she told that she had voluntarily registered the marriage with the present applicant and that she would reside at Goregoan. Her statement came to be recorded. Moreover, she has produced marriage certificate where her original name was mentioned. On 24/10/2026, the present applicant called the son of the

first informant and sent invitation card whereby it was stated that "M[redacted] weds 'S' [redacted]" - a muslim name and it is also stated that their marriage was on 06/11/2026 at Jogeshwari East, Mumbai. So the first informant realised that the present applicant had induced her daughter to get married and change religion without her free will and thus, the crime is registered on the strength of this report.

3. It is the contention of the applicant that solely on the receipt of the invitation card, the police got the offence registered with the [redacted] police station. In fact, the applicant has not committed the offence under the Act. On 15/09/2026, more than a month before the alleged invitation card that is on 24/10/2026 and two months before FIR, applicant and 'S' had jointly submitted a notice of intended marriage to marriage officer, Mumbai Suburban District u/sec 5 of the Special Marriage Act. The notice was accepted and the marriage was solemnized and registered on 16/10/2026. It is contended that at the time of marriage, all the verification was done. There is no document to show that there is a conversion. On affection, the alternative name Ayesha was mentioned. It is contended that the word 'nikah' is used in the invitation card as the highest social religious ceremony subsequent to civil marriage.

4. It is contended that the police has hastily registered the offence without conducting any preliminary enquiry. There is no material to show that 'S' has converted her religion. It is also contended that the applicant has not forced and 'S' has never converted into Islam. They are just married under the Special Marriage Act. 'S' is major and she has given voluntary statement before the Virar police as well as before Meghwadi police that she has performed her marriage voluntarily.

Thus, the applicant has not committed any offence u/sec 9 of the Act. Moreover, no ingredient of Section 3 of the Act is pressed into motion. Thus, it is contended that the custodial interrogation of the applicant is not required and thus, the applicant is asking for anticipatory bail.

5. The prosecution resisted the application and it is contended that the first informant has stated that the present applicant has unlawfully made conversion of the daughter of the first informant. So, it has to be investigated. It is also contended that the present applicant was in contact with daughter 'S' from time to time. So, he might have pressurized her. So, for that purpose investigation is required. It has to be find out whether anyone has helped or whether any financial assistance is taken is to be find out. Whether any messages were sent on What App or on social media are to be seen. Whether the applicant has blackmail daughter 'S' is to be seen. There may be question between two communities. It is contended that it has to be find out whether there is compliance of Sec.6 is done or not. It has to be find out how name Ayesha is given. It has to be find out whether there is a conversion, whether there is any video, how many persons were present, whether there was any economic transaction between the parties for the purpose of conversion. The creditability of the certificate is to be seen. Thus, it is contended that applicant will tamper evidence and prayed for rejection of application.

6. Intervenor in this matter for first informant appeared and resisted the application and filed detail say resisting the application and prayed for rejection of application.

7. On the side of the intervenor, they have submitted certain

documents like invitation card and photographs showing that daughter ‘S’ is wearing burkha as well as they have submitted one photograph and it is submitted that the applicant has performed Nikah. It is also submitted that daughter ‘S’ might have been pressurized for the marriage and thus, the custodial interrogation is required and prayed for rejection of application.

8. The daughter ‘S’ appeared in this matter by filing Vakalatnama and she personally appeared before Court having no objection to the application. She has stated that she acted voluntarily without any force, coercion, threat, pressure or inducement from applicant or any other person. According to the contentions, her statement if already recorded by the police. She is having no objection to the application.

9. I have heard the Ld. Advocate for the applicant, Ld. APP, Ld. Advocate for the first informant and the Ld. Advocate for daughter ‘S’ at length.

10. During the course of argument, the Ld. Advocate for the applicant while submitting his arguments, it is submitted that the daughter of the first informant is 22 years old, she is major and as per the FIR itself it discloses that applicant and daughter ‘S’ are in love relationship since the year 2022. It is submitted that it is not the case of the prosecution that the daughter herself has filed the report that she has been compelled to marry with the present applicant. It is submitted that the applicant and ‘S’ have performed marriage under the Special Marriage Act and they have given the certificate of Special Marriage Act to the investigating officer. It is submitted that the copy of the certificate under Special Marriage Act is produced on record. Their marriage is

solemnized on 16.10.2026. It is also submitted that the notice was already given to the concerned registrar and the marriage is performed. Since marriage, applicant and 'S' are residing happily. It is submitted that so far as the allegations of the Nikah are considered, no Nikah has taken place and it is submitted that only holy prayer was performed and 'S' was not present at Mosque. It is also submitted that merely mentioning the name Ayesha on the invitation card does not constitute that she has converted to the Islam. It is submitted that both are having the love affair and there is no coercion, deceit, force, misrepresentation, threat, undue influence or any fraudulent means are applied. So, it is submitted that offence u/sec.9 of the Act is not committed as none of the ingredients of Sec.3 are work out. It is submitted that as there is no conversion and Nikah has not taken place, Sec.6 of the Act is not attracted and thus, the Ld. Advocate submitted that the custodial interrogation of the applicant is not required. Hence, he submitted that the application be allowed.

11. The Ld. Advocate for the first informant while submitting argument that the present applicant is Muslim and daughter 'S' is Hindu. He submitted that the present applicant has taken away 'S' and he has performed marriage with her. He submitted that it has to be investigated regarding the invitation card which is forwarded on Whats App whereby the name of the daughter 'S' is mentioned as Ayesha. He further argued that he has produced one photograph showing that 'S' is wearing burkha and according to him, the women in Muslim community wear burkha. He further submitted one photograph that there is a one video of Nikah. Accordingly, he submitted that in the present contingencies the daughter of the first informant may have forcefully taken and by using deceitful means she might have been

converted to Islam. So, he submitted that the custodial interrogation is required and prayed for rejection of application.

12. Ld. APP submitted that the nature of the offence is serious and it is also submitted that they want to search the Whats App Chat and other material related to it. It is also submitted that the applicant might have induced the daughter of the first informant and by pressurizing her, he might have converted her religion. It is also submitted that the applicant has not complied Sec.6 of the Act. Hence, it is submitted that in order to find out whether Nikah is performed or not, or whether any ingredient of Sec. 6 are work out or not, custodial interrogation of the applicant is required. Accordingly, he submitted that the application be rejected.

13. In view of the submissions of both the sides, from to time, during the course of argument considering the controversy between the parties as it was alleged that Nikah is performed before Maulana and as the register is seized by the investigating officer from Maulana and in that regards, the Investigating Officer and Ld. APP submitted joint pursis whereby it is submitted that as per the register of Maulavi and on perusal of register, no nikha was performed. So, it is seen that Maulavi is maintaining register and there is practice of maintaining register by Maulavi when the Nikah is performed. So, apparently it is seen that in the present case registered which is maintained by Maulavi, there is no entry that Nikah has taken place.

14. Now, turning to the another aspect, and after going through the FIR, what is apparently seen is that the daughter ‘S’ is 22 years old, and it is seen that during the period of lockdown, she was in contact with

the present applicant. Moreover, in the year 2022 the father of daughter ‘S’ caught her when she was speaking with the present applicant. So, it is seen that since the pandemic situation, daughter ‘S’ and the present applicant were in contact and it continued in the year 2022 and it is also seen from the FIR that they were in contact till the year 2026. It is also seen from the FIR that the present applicant was frequently meeting daughter ‘S’ from time to time.

15. Here, at this point of time, it is seen from the documents on record that the applicant and daughter X are major and they have given notice of the registrar of marriage well in advance and their marriage is performed on special act. It is seen that the daughter ‘S has forwarded the copy of that marriage certificate to her mother as it is pointed out while canvassing the argument. Here, in view of this marriage certificate apparently it is seen that their marriage is solemnized under Special Marriage Act 1954.

16. Now, the question is that whether only quoting the name as Ayesha would be the ground to consider that she has converted her religion to Islam and in this regards as discussed above the register of the Maulavi particularly states that there is no entry in the register which is seized by the IO that Nikah has been taken place between the applicant and daughter ‘S’. Now, in such contingencies there is no document regarding Nikah. So, in such contingencies the performance of the Nikah is not coming on record. So far as alleged photograph and wearing burkha will not be the sole ground to believe that daughter ‘S’ has converted to Islmam. At this ;point of time, we are deciding anticipatory bail application and it is seen that no Nikah has taken place but on the other hand, it is seen that their marriage is solemnized under

special marriage act. As the register shows that no Nikah has been performed, at this point of time there would no question of sec. 6 and in view of the above discussion, as there is a love relationship between them since the pandemic situation, apparently it is seen that both are the adults and it is difficult to believe that any of the ingredients of Sec.3 are put into motion but at the same time when it is alleged that there is Nikah and one video however, there is no material at this point of time and considering these aspects, in view of the above discussion, I am of the view that the custodial interrogation of the applicant/accused is not required. However, during the course of investigation if any certain material is disclosed regarding the contentions raised by prosecution, Investigating Officer will be at liberty to file application for cancellation of bail. With these, the applicant is entitled for grant of anticipatory bail. The above reasoning are only restricted to the anticipatory bail application and not to the merits of the case. Hence, the following order is passed.

ORDER

1. Anticipatory Bail Application No.1566 of 2026 is allowed.

2. In the event of arrest, the **applicant** [redacted] shall be released on bail on executing P. R. Bond of Rs.50,000/-(Rupees Fifty Thousand Only) with one surety of like amount in C.R.No [redacted] 2026 registered with [redacted] Police Station for the offence punishable u/sec 9(1) of Maharashtra Freedom of Religion Act, 2026, on following conditions :

i) Applicant to attend the concern police station on each Monday and Friday between 12.00 Noon to 3.00 p.m. for a period of 90 days.

ii) Applicant shall not tamper with the evidence or attempt to influence or contact the Complainant, witnesses or any person

concerned with the case.

iii) Applicant shall co-operate with the investigation.

iv) Applicant shall furnish the particulars of his latest places residence or mobile details, Email ID, if any, to the Investigating Officer of the police station concerned within 7 (seven) days from today.

v) Applicant shall not engage himself in similar type of offences.

vi) The applicant not to leave India without the permission of the Court.

vii) If the applicant commits breach of any terms and conditions, he will be entitled for cancellation of bail.

3. Anticipatory Bail Application No. 1566 of 2026 stands disposed off accordingly.

PARAG ARVIND SANE
Digitally signed by PARAG ARVIND SANE
Date: 2026.11.20 18:13:04 +0530

(P. A. SANE)
Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Div.,Dindoshi, Mumbai.

Date : 20/11/2026

Date of directly typed on computer : 20/11/2026
Checked & Signed by HHJ on : 20/11/2026

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER" Date : 20/11/2026 Trupti S. Bhogte Time : 6.15 p.m. Stenographer-Gr.I UPLOAD DATE AND TIME Name of Stenographer

Name of the Judge (with Court room No.)	HHJ Shri. P. A. Sane (C.R. No.15)
Date of Pronouncement of JUDGMENT/ORDER	20/11/2026
JUDGMENT/ORDER signed by P.O. on	20/11/2026
JUDGMENT/ORDER uploaded on	20/11/2026