

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.510 OF 2023

SHAIKH AYUB SHAIKH HUSSAIN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Satej S. Jadhav
APP for Respondent No.1 : Mr. K. S. Patil
Advocate for Respondent No.2 : Mr. S. C. Bhosale
...

CORAM : S. G. MEHARE, J.

DATE : 19-04-2023

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1 and the learned counsel for respondent No.2.
2. The applicant is seeking bail in C.R.No.0347 of 2022 registered with Bhokar Police Station, District Nanded, for the offences punishable under Sections 363, 376(3), 366A of the Indian Penal Code and Sections 4, 8, 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Sections 3(1)(w)(i)(ii), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. It appears that the applicant and the victim had a love affair. They met on face book. However, the parents of the victim were voluntarily opposing them as they belong to different religions.

4. The papers reveal that victim went with the applicant voluntarily. They resided for two days. The applicant is young boy of 21 years. The victim was around 15 plus years old at the time of the alleged incident. It appears that she had taken consciousness decision to go with him. The applicant is languishing in jail from September 2022. There were no antecedents to his discredit. Trial may take its time. In view of the facts and circumstances, it would inappropriate to keep the applicant behind bar. However, to guard the apprehension of threats to the witnesses and the victim, certain conditions may be imposed. Hence, the following order :-

- i) Application is allowed.
- ii) Applicant Shaikh Ayub Shaikh Hussain be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.0347 of 2022 registered with Bhokar Police Station, District Nanded, for the offence punishable under Sections 363, 376(3), 366A of the Indian Penal Code and Sections 4, 8, 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Sections 3(1)(w)(i)(ii), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on the conditions that,
 - (a) He shall not contact the victim, her parents or any witnesses till conclusion of the trial.
 - (b) He shall stay away from Bhokar for three months from the date of his release.
 - (c) He shall attend the trial on each and every effective date.

(S. G. MEHARE, J.)