

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

28 BAIL APPLICATION NO.1116 OF 2023

AJMOHDDIN MOHAMMAD SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Malte Uday S., Mr. Borde
Rushikesh Dharmaraj.

APP for Respondent-State : Ms. V. N. Patil-Jadhav.
Advocate for Respondent No.2 : Mr. P. B. Salunke - Appointed.

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CORAM : S. G. MEHARE, J.

DATE : 24.07.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel appointed for the complainant/ respondent No.2.
2. The applicant is seeking bail in Crime No.1309 of 2022, registered with Rahuri Police Station, District Ahmednagar, for the offences punishable under Sections 376(2)(n), 506 of the IPC and Section 5(j)(2), 5(l) and 6 of the POCSO Act.
3. The facts of the case were clear that the victim and the accused had love affair. Surprisingly enough, till the fetus developed for 36 weeks, the parents of the victim did not notice the pregnancy. At the fag end of her pregnancy, she was

taken to the hospital and then the allegations started. The overall facts of the case reveals that it was a consensual sex. The victim at the time of the alleged incident was around 17 years, 9 months and 6 days old. As per the record, the victim and the accused met on Instagram and turned their friendship into relationship. The baby has been born. However, it has been handed over to the Orphanage Home. The applicant did not deny the paternity at this juncture. Though the learned counsel for the victim has opposed the application contending that she was minor and she was threatened hence, she did not disclose the name of the applicant, such argument does not appeal to the mind of the Court. The charge sheet has been filed. Nothing is to be recovered from the applicant. The trial may take its time. So, he may be granted bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **AJMOHDDIN MOHAMMAD SHAIKH** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.1309 of 2022, registered with Rahuri Police

Station, District Ahmednagar, for the offences punishable under Sections 376(2)(n), 506 of the IPC and Section 5(j)(2), 5(l) and 6 of the POCSO Act, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the victim or her relatives till conclusion of the trial.
 - (c) He shall attend the trial on each and every effective date.
 - (d) He shall stop operating his Instagram till conclusion of the trial.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal charges to learned counsel appointed for respondent No.2 as per the schedule.

(S. G. MEHARE, J.)

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vmk/-