

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

912 BAIL APPLICATION NO.1751 OF 2023

SAHIL SALIM SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Shaikh Joyeb I.
APP for Respondent no.1 : Mr. K.S. Patil
Advocate for Respondent no.2 : Mr. R.N. Chavan
(appointed Through Legal Aid)

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: November 08, 2023
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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.494 of 2023 registered with Loni police station, Tq. Rahata, District Ahmednagar for the offences punishable under sections 354, 354-D of the Indian Penal Code, u/s 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Investigation has been set in motion on the basis of the information given by father of the victim, who alleges that the applicant and co-accused were stalking his daughter/victim. Co-accused Hujeb was asking victim to marry him. It is further alleged that in the month of June 2023, he compelled her to accompany on the motorcycle, then took to Lontek temple, where he touched her with sexually intent and behaved indecently. Although, parents of the victim were complained about misbehavior of the accused, there was

no change in their behaviour. Because of consistent misbehaviour of the accused, the informant shifted his residence to village Kolhar. Thereafter, victim was admitted to new English School and she was pursuing 10th standard. Again on 18.8.2023 when victim was returning from school, accused persons intercepted her in Belapur Chowk, co-accused Hujeb was compelling her to marry. The applicant/accused alleged to have insisted her to marry with Hujeb. Accordingly, report was lodged with the police station Loni for the aforesaid offences. The applicant has been arrested in pursuance of the aforesaid crime and since 19.8.2023 he is behind bar. Plea for grant of bail moved before the Sessions Court has been rejected. Hence, present application.

3. Mr. Joyeb Shaikh, learned advocate appearing for the applicant vehemently submits that the applicant has been falsely implicated in the aforesaid crime. In fact, grievance of the informant is against co-accused. Minimum role is attributed against the applicant. He would submit that the applicant is behind bar for more than two and half months. Investigation is completed and charge-sheet is filed. Therefore, he urges to release the applicant on bail.

4. Learned A.P.P. as well as learned advocate appearing for the informant strongly opposed the prayer. They would invite attention of this Court to statement of the victim to confirm that she was constantly stalked by accused persons and co-accused used to force with sexually intent against her. Aforesaid act of the accused persons are confirmed by the

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statements of the eye witnesses. They would submit that informant was required to shift his residence because of continuous harassment of victim at the hands of the accused persons.

5. Having considered the submissions advanced, apparently, allegations in the FIR attributes main role of accused no.1, who was intending to marry with the victim. Even, couple of incidents referred in the FIR attributes major role against co-accused Hujeb. The applicant is alleged to have accompanied Hujeb while he was stalking the victim. Police papers contains a statement of victim dated 23.8.2023 recorded under section 164 of the Cr.PC. Perusal of contents would show that she attributes role only against co-accused Hujeb Shakil Shaikh. There is no attribution constituting offence as against the applicant. The applicant is behind bar since 19.8.2023. Investigation in the matter is completed. Prima facie, material in the charge-sheet appears to be bereft in bringing home the alleged offences so far against the applicant. In that view of the matter, case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicant - SAHIL SALIM SHAIKH be released on bail in connection with Crime No.494 of 2023 registered with Loni police station, District Ahmednagar for the offences punishable under sections 354, 354-D of the Indian Penal Code and u/s 8 and 12 of the Protection of Children from

Sexual Offences Act, 2012 on his furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-

- a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall not enter village Kolhar for a period of six months from the date of his release.
 - c] The applicant shall not establish contact with the victim or her family members.
 - d] The applicant shall attend each and every effective date before the trial court.
- iii. Bail application is accordingly disposed off.
- iv. Since, learned Advocate Mr. Chavan is appointed to prosecute cause of respondent no.2 through Legal Aid, his remuneration shall be paid as per Rules.

(S.G. CHAPALGAONKAR)
JUDGE

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