

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

**BAIL APPLICATION NO.2129 OF 2022**

ASLAM @ SALMAN MANZOOR ALAM SHAIKH  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Syed G R  
APP for Respondent/State : Mr. S.P. Deshmukh  
Advocate for Respondent No.2 : Mr. Suresh N. Rodge (Appointed)

...

**CORAM : S.G. MEHARE, J.**

**DATED : JANUARY 20, 2023**

**PER COURT:-**

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel appointed for the respondent no.2/victim.
2. Though the allegations of forceful sex have been made, the medical evidence does not support. The hymen of the victim girl was noted intact. The papers reveal that the applicant and his relatives left the victim to her parents house. So at the most, the adverse situation against the applicant is that he took away the child from the legal custody of her guardian. No doubt, she was 14 years old and the applicant was 25 years old at the time of incident. However, there is no medical evidence corroborating the allegations of forceful sex. The applicant is behind the bar since 27.11.2021. The charge sheet has been filed. The trial has also been commenced.

(2)

3. In these peculiar facts and circumstances of the case, it would be unjustifiable to keep the applicant behind bar. Hence, he deserve bail. Therefore, the following order :

### **ORDER**

(i) Bail Application is allowed.

(ii) The applicant, Aslam @ Salman Manzoor Alam Shaikh, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.799 of 2021, registered at Shrirampur City Police Station, District Ahmednagar for the offence punishable under Section 363, 366-A, 376, 376(2)(N) of the Indian Penal Code and Section 3, 4, 5-L and 6 of the Protection of Children From Sexual Offences Act, 2012 on the conditions that;

(a) The applicant shall not tamper with the prosecution witnesses.

(b) The applicant shall not contact the victim or any witnesses in any mode or manner, till conclusion of the trial.

(iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay the fee to the counsel appointed for respondent no.2 as per schedule.

**(S.G. MEHARE, J.)**