



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 BAIL APPLICATION NO. 1252 OF 2024

SHAIKH SHAHJAD SHAIKH ALTAB

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Yogesh H. Lagad h/f Mr. Ghule
Aniruddha B.

APP for Respondents-State : Ms. P. R. Bharaswadkar.

Advocate for Victim to Assist APP : Mr. D. S. Kale.

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CORAM : S. G. MEHARE, J.

DATE : 02.08.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondents-State and learned counsel for the victim.

2. The applicant seeks bail in Crime No.28 of 2024, registered with Bazarpeth Police Station, Bhusawal, District Jalgaon, for the offences punishable under Sections 363, 366, 376(2)(n) of the IPC and Sections 4, 8 and 12 of the POCSO Act.

3. The prosecution has a case that the applicant kidnapped the victim of 14 years and 6 months. He Took her to another place. He did forceful sex with her and left her alone. Then,

police searched her and brought to Bhusawal. Since the victim was minor, the crime was registered against the applicant.

4. The applicant has a case that he and victim had love affair. Their families were opposing them. Hence, the victim forced him to elope with her. The victim was served with notice. She appeared with her brother and stated before the Court that she has no grievance against the applicant. Therefore, if the bail is granted she has no difficulty. She being a minor, her brother, who came with her filed an affidavit and she also put her signature on the affidavit that she understood the contents of that affidavit.

5. Considering the facts of the case and inter se relation between applicant and the victim, the Court is of the view that there would be no propriety in keeping the applicant behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SHAIKH SHAHJAD SHAIKH ALTAB** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with

one solvent surety of like amount, on the following conditions :

- (a) He shall not tamper with the prosecution witnesses.
- (b) He shall not enter the area where the victim resides till conclusion of the trial.
- (c) He shall attend the trial on each and every date.
- (d) It is made clear that the affidavit is accepted only for this bail application.

(S. G. MEHARE, J.)

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vmk/-