



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 BAIL APPLICATION NO. 1977 OF 2023

Shaikh Nizam Shaikh Yousuf

..APPLICANT

-VERSUS-

1. The State of Maharashtra

2. XYZ

..RESPONDENTS

AND

31 BAIL APPLICATION NO. 1979 OF 2023

Shaikh Nizam Shaikh Yousuf

..APPLICANT

-VERSUS-

1. The State of Maharashtra

2. XYZ

..RESPONDENTS

Advocate for Applicant : Mr. Kulkarni Suvidh S.

APP for Respondent/State : Mr.Mukesh K. Goyanka

Advocate for Respondent no.2: Mr.G. B. Patunkar (appointed Through
Legal Aid)

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 8th JANUARY, 2024.

PER COURT :-

1. Leave to amend in Index and List of Document of Bail
Application No.1977 of 2023. Amendment be carried out forthwith.

2. Leave to amend the prayer clause "B" in Bail Application No.1979 of 2023. Amendment be carried out forthwith.

3. The applicant in Bail Application No.1979 of 2023 is seeking bail in connection with Crime No.0579 of 2022 and in Bail Application No. 1977 of 2023 in connection with Crime No. 112 of 2023, both registered with Bhokardan Police Station, for the offences punishable under Sections 363, 366(A), 376 of the Indian Penal Code read with sections 4, 6, 8 and 12 of the POCSO Act.

4. The learned advocate for the applicant and respondent no.2 in both applications submitted that the applicant is ready to perform the marriage with the prosecutrix and her father has filed affidavit before the trial Court, which is placed on record at Exhibit-C in Bail Application No.1979 of 2023. In para no.4 he had consented for granting the bail. He has also stated that marriage is likely to be performed with his daughter. The said affidavit may be considered in Bail Application No.1977 of 2023.

5. The learned APP has strong objection to grant bail to the applicant.

6. Considering the fact that the father of the prosecutrix had filed the affidavit and given consent to grant bail to the applicant, the applications deserve to be allowed. Hence the following order :-

O R D E R

I. Applications are allowed.

- II. The applicant in connection with Crime No.0579 of 2022 and Crime No.112 of 2023, both registered with Bhokardan Police Station, for the offences punishable under Sections 363, 366(A), 376 of the Indian Penal Code read with sections 4, 6, 8 and 12 of the POCSO Act, be released on bail on furnishing personal bond of Rs.15,000/- in each of the application with one surety of the like amount.

(SANJAY A. DESHMUKH, J.)

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