



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

BAIL APPLICATION NO. 1557 OF 2024

LUCKY IRFAN KHAN @ LUCKY BILAL SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Ms. Anagha N. Pedgaonkar
APP for Respondent No.1 : Mr. S. B. Pulkundwar
Advocate for Respondent No.2 : Ms. Nayana Patil
...

CORAM : S. G. MEHARE, J.

DATE : 12-09-2024

PER COURT :-

1. Ms. Nayana Patil, learned counsel has instructions to appear for respondent No.2/victim.
2. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1 and the learned counsel for respondent No.2/victim, who undertakes to file *vakalatnama* for her.
3. The applicant seeks bail in C.R.No.321 of 2024 registered with MIDC CIDCO Police Station, District Aurangabad, for the offences punishable under Sections 377 and 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children From Sexual Offences Act, 2012.
4. It has been alleged against the applicant that he and the victim were working at the same place. He did unnatural penetrative sex with him a year before. He took his naked

photographs in his mobile and threatened him to viral and did forceful unnatural intercourse on few occasion. Last incident happened around nine days before the report.

5. The learned counsel for the applicant submits that the video-graphs in which the photographs were allegedly taken has been destroyed. He would not continue the workplace of the victim. He would put resignation unconditionally to his employer. The signs of natural sex were not detected in the medical examination. The applicant is a young boy. Hence, he may be granted bail.

6. The learned counsel for the victim submits that since the applicant expressed to separate permanently from the victim by resigning from his job, a conditional bail may be granted that in future he would not contact him.

7. The learned A.P.P. has strongly opposed the application. He submits that the offence is serious. A minor has been exploited. The applicant is a major. He was blackmailing the victim and continued to commit unnatural sexual assault. Therefore, he may not be granted bail.

8. Perused the papers and medical evidence.

9. Since the medical examination was delayed, the Medical Officer could not find any evidence of sexual assault. Therefore, whether the applicant did forceful sex will be appreciated on merit during the trial. The investigation has been completed. The applicant undertakes not to contact the victim and would resign

his job. So, there may not be an apprehension to the victim at the hands of the applicant. The chargesheet has been filed. Trial may take its time. He deserves bail. Hence, the order:-

ORDER

- i) The application is allowed.
- ii) Applicant Lucky Irfan Khan @ Lucky Bilal Shaikh be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He should follow the condition of separating from the victim by resigning from the job unconditionally forthwith after he is released on bail.
 - (c) He should not contact the victim and the other witnesses.
 - (d) He should attend the trial on each and every date.

**(S. G. MEHARE)
JUDGE**

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