



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 107 OF 2025

Faran @ Aslam Shabbir Shaikh,
Age : 29 years, Occu. : Labourer,
R/o. Gautam Nagar, Tambapura,
Jalgaon, Tq. & Dist. Jalgaon.

... Applicant

Versus

1. The State of Maharashtra,
Through its The Police Inspector,
MIDC Police Station,
Tq. & Dist. Jalgaon.

2. XYZ

... Respondents

.....
Ms. Rani A. Agrawal, Advocate for Applicant.
Mr. V. M. Jaware, APP for Respondent – State.
Mr. Harshal P. Randhir, Advocate for Respondent No.2.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 MARCH 2025

PRONOUNCED ON : 24 MARCH 2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in Crime No.0239 of 2024 registered at M.I.D.C. Police Station, Tq. & Dist. Jalgaon for offences punishable under sections 354, 323, 504 and 506 of Indian Penal Code and sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for applicant submitted that, there is false implication. That, alleged occurrence is of 05.04.2024, but FIR

is registered on 10.04.2024. That, applicant is a stepfather. At the instance of mother of informant he has been implicated. That, there is no eye witness. Learned counsel lastly submitted that, above crime is out of misunderstanding and now matter has been settled.

3. Learned APP opposed on the ground that, minor has been victimized. Her biological father is missing and undue advantage of her position has been taken. Therefore, learned APP opposes the bail application.

4. Learned counsel for respondent no.2 informant placed affidavit stating that informant has no objection for grant of bail as now matter is resolved and that it was due to misunderstanding.

5. Heard. Perused the papers. FIR dated 10.04.2024 was lodged at MIDC Police Station by the victim herself. She has reported that, in 2018, her father abandoned her, her mother and other sibling. Since 2019 her mother got acquainted with present applicant and he was put up with them. She has reported that, on 05.04.2024, around 11:00 p.m., applicant caught hold her and inappropriately pressed her breast and demanded sexual intercourse and thereby outraged her modesty. On above report, crime seems to have been registered.

6. Thus, as pointed out occurred is reported on 10.04.2024. Allegations are of outraging modesty demanding sexual intercourse by applicant, who was close with biological mother of informant. Now, investigation is over and charge sheet is already filed. Victim has also placed on record her own affidavit through her counsel that she has no objection for grant of bail. Learned APP did not point out what further is to be recovered or discovered. When no purpose is to be achieved by further detention, relief as prayed deserves to be granted. Hence, I proceed to pass the following order :-

ORDER

I. The application is allowed.

II. Applicant Faran @ Aslam Shabbir Shaikh be released on bail in connection with Crime No.0239 of 2024 registered with M.I.D.C. Police Station, Tq. & Dist. Jalgaon, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)