



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.324 of 2025

Awaiz Nisar Shaikh,
Age : 21 years, Occu. : Education,
R/o. At Post Umbare, Tq. Rahuri,
Dist. Ahmednagar

... Applicant

Versus

1. The State of Maharashtra,
Through Police Inspector,
Rahuri Police Station,
Tq. Rahuri, Dist. Ahmednagar.

2. X.Y.Z.

... Respondents.

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Mr. Yogesh B. Bolkar, Advocate for Applicant.
Mr. P. K. Lakhotiya, APP for Respondent - State.
Mr. Faij Khan, Advocate for Respondent No.2 (Appointed)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 26 MARCH, 2025

PRONOUNCED ON : 27 MARCH, 2025

ORDER :

1. This is a regular bail application on account of arrest of applicant in Crime No. 0823 of 2023 registered at Rahuri Police Station, District Ahmednagar for the offence punishable under sections 295A, 354, 354D, 341, 109, 509 r/w 34 of Indian Penal Code and section 8, 11(4) and 12 of Protection of Children from Sexual Offences Act.

2. Learned counsel for applicant submitted that, there is false implication. That, there are allegations against 7 to 8 persons for causing damage to shop and hurting religious feelings and sentiments. That, occurrence is of 26.07.2023. That, applicant is arrested on 04.08.2023 and investigation is over and charge sheet is filed in December 2023. Till date charge is not framed, therefore, uncertainty prevails over commencement of trial or its conclusion and since more than one and half year applicant is behind bars and hence, relief of regular bail is urged for.

3. Learned APP pointed out that, applicant involved in communal violence. That, present crime is third offence. On above reasons, application is opposed.

4. Heard. Perused the FIR dated 29.07.2023 registered at Rahuri Police Station, Dist Ahmednagar. Sum and substance of the FIR is that, informant a 15 years girl reported that, she resides with her joint family and was studying in 10th standard. That, while she was in 8th she had joined classes adjoining to the Masjid of village Umbare. That, when the class was over, Awaiz Shaikh and Kaif Shaikh used to come and wait outside the class and even follow her when she went home. Once Awaij Shaikh approached her and expressed that he loves her, due to which she felt her

modesty being outraged. He deliberately tried to approach her and even once threatened to commit suicide, if she does not meet him. She further alleged that, he started contacting her on *Instagram* and *whats app* and even suggested for conversion of religion and even suggested to perform runaway marriage. That, one and half month back, he called her outside the house at 11:00 p.m. and snapped selfie photograph. On 26.07.2023 another girl lodged report against Awaij Shaikh and therefore she also lodged complaint against Awaij Shaikh and Kaif Shaikh, Heena Pathan, Sohail Shaikh, Shakir Sayyad, Salim Pathan, Husain Shaikh and Altaf Shaikh for harassing her. On above report, crime is registered.

5. Admittedly, applicant is said to be arrested on 04.08.2023. Statement made across the bar that till date even charge is not framed, is not denied or refuted by learned APP. Therefore, apparently, as there is long pre-trial incarceration and even uncertainty about trial prevails, the application deserves to be allowed. Hence, the following order is passed :-

ORDER

- I. The application is allowed.
- II. Applicant Awaiz Nisar Shaikh be released on bail in connection with Crime No. 0823 of 2023 registered with Rahuri

Police Station, District Ahmednagar, 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 enter the vicinity where the informant and her family members reside, till conclusion of trial.

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

[d] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday and maintain personal diary of his attendance till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

III. Fees of learned Advocate, who is appointed to represent cause of respondent no.2 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per rules.

(ABHAY S. WAGHWASE, J.)