



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

920 BAIL APPLICATION NO. 502 OF 2025

**ALTAF SHAIKH ASIF
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER**

...
Advocate for Applicant : Mr.N.S.Ghanekar
APP for Respondent-State : Mr.N.B.Patil
Advocate for Respondent no.2 : Mr.Majit Shaikh
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 11.07.2025**

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the respondent no.2.

2] The applicant is seeking bail as he is arrested on 10.12.2024 in connection with Crime No. 0272 of 2024, registered with Kannad Rural Police Station, Kannad, District Aurangabad, for the offence punishable under Sections 64 (2)(M), 65(1), 75(2), 351(3) of Bhartiya Nyaya Sanhita and under Sections 3, 4, 5 (L), 6, 7, 8 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(W)(I), 3(2)(v) of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act.

3] This Court, by order dated 07.07.2025, has passed the following order :

2] The learned counsel for the applicant submits that the father of the victim had lodged a complaint on 30.10.2024 with the Kannad City Police Station, District Aurangabad in respect of missing of his wife. He further submits that on 30.10.2024, the police has recorded the statement of wife of the victim wherein it is stated that she left the matrimonial house of informant i.e. husband, daughters and son, as per her will on 05.10.2024 and she is residing at Kannad, District Aurangabad. He further submits that thereafter in the month of December, 2024, when the mother of the victim refused to stay with the father of the victim, the present complaint is registered against the applicant with Police Station, Varla, District Badwani [M.P.] and thereafter the said complaint was transmitted to the Kannad City Police Station. He further submits that the present FIR is concocted one and the same is lodged so as to seek vengeance against the present applicant as the mother of the victim left the company of the father of the victim. He further submits that thereafter the applicant was arrested on 10.12.2024. The charge sheet is filed in the matter and the investigation is complete. He further submits that there is no evidence that the victim was subjected to sexual intercourse.

3] The learned APP relies upon the document dated 27.12.2024, which is at page 115 of the charge sheet, which would indicates that there are signs of pregnancy and abortion had taken place.

4] The learned counsel for the applicant relies upon the document, which is at page 112 of the

charge sheet and submits that the Doctor has given opinion, as noted below :

Patient has no complaints at present. UPI test is negative. USG [ATP] shows no (evidence) & e/o. any G-sac intrauterine or extrauterine.

Opinion regarding if any history of abortion or consumption of pills cannot be given of past.

5] The learned APP to get clear instructions in respect of the document at 112 and 115 of the charge sheet.

4] The learned APP today fairly submits that there is no evidence of any pregnancy, so also, there is no medical evidence to support the allegation of abortion.

5] In view of above, so also, considering that the applicant is in jail from 10.12.2024 and that the charge sheet is filed in the matter and the investigation is complete, the applicant is granted bail. The application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 0272 of 2024, registered with Kannad Rural Police Station, Kannad, District Aurangabad, for the offence punishable under Sections 64 (2)(M), 65(1), 75(2), 351(3) of Bhartiya Nyaya Sanhita and under Sections 3, 4, 5 (L), 6, 7, 8 of Protection of Children from Sexual Offences Act,

2012 and Section 3(1)(W)(I), 3(2)(v) of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

6] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the

observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

7] The application stands disposed of.

8] Mr.Majit Shaikh, learned counsel appointed by this Court to represent the cause of respondent no.2, shall be paid fees of Rs.10,000/- by the High Court Legal Aid Services Sub-Committee, Aurangabad.

[ARUN R. PEDNEKER]
JUDGE

DDC