



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 BAIL APPLICATION NO. 529 OF 2025

HAIDARALI DAUD SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent/State : Mrs. A.S. Mantri
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 13/06/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with Crime No. 377/2024 dated 30.11.2024 registered with Anandnagar Police Station, District Dharashiv for the offences punishable under sections 64, 352, 351(2), 351(3) of B.N.S., 2023.
3. The case is registered against the applicant on the basis of F.I.R. lodged by the prosecutrix. In the F.I.R., it is stated that the prosecutrix came in contact with the applicant from June 2023. The prosecutrix was employed as a temporary teacher and the applicant was employed as a teacher and also worked as the coordinator between the teachers and management of the school. The applicant was pursuing her and has contacting the prosecutrix on her phone and has developed the relations with the prosecutrix. In the F.I.R., it is stated that on 20.8.2023, the applicant had called the informant at M.I.D.C. Dharashive with all the papers so as to help her in confirming her job. When the applicant refused

to come at M.I.D.C., the applicant had threatened informant that in the event she does not come, the applicant would make false complaint against her and will remove the informant from job. As such, the informant had gone to M.I.D.C. Dharashiv. It is stated that against her wish, the applicant has established physical relationship with the informant. It is stated in the F.I.R that thereafter also the applicant had kept physical relationship with the informant in hotels and lodges and threatened the informant that the applicant will remove her from job and ensure that the informant could not get another job if she discloses about the relationship and blackmailed the informant. Hence, the case is registered by the informant against the applicant.

4. The learned counsel for the applicant submits that there were consensual relations between the informant and the applicant. The informant was removed from the job and thereafter, the informant was under impression that it is the applicant who is responsible for removing her from job. There was also consent document between the applicant and informant wherein it is stated that the applicant would help her in restoring her job. The said notarized document is also placed on record. The learned counsel submits that the incident is of the year 2023 and the F.I.R. is filed on 30.11.2024. The learned counsel submits that since 1.12.2024 the applicant is behind bar. The learned counsel therefore prays to release the applicant on regular bail.

5. Per contra, the learned APP submits that the applicant has misused his position and exploited the informant. The applicant is in habit of going after the girls and ladies staff of the school. The learned APP submits that the Principal of the school where applicant had been working earlier has

given letter to Investigating Officer that the behaviour of the applicant is not good towards female staff and girls of the school. The learned APP also submits that landlord of the informant has also stated that applicant used to visit the place of informant and was not behaving in proper manner with the informant. The APP therefore submits that the case is made out against the applicant and the applicant should not be released on regular bail.

6. Considering the above submissions and from the perusal of the F.I.R., it can be said that applicant had relations with informant from June 2023 and the relationship has developed gradually. F.I.R. is registered on 30.11.2024. The relations between the applicant and the informant are consensual. At this stage, it cannot be ruled out that there is disruption of relation on account of loss of job of informant between the applicant and the informant and the case is registered. Consent document is also placed on record wherein it agreed that the applicant would help the informant in securing the job. The applicant is behind bars for last six months. Considering overall conspectus of the matter and since there are no antecedents against the applicant and possibility of consensual relationship between the applicant and the informant cannot be ruled out at this stage, I hold that no purpose would be served if the applicant is kept behind bars till the conclusion of the trial. Trial will take long time to conclude. In view of the above, I deem it proper to release the applicant on regular bail.

7. In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 377/2024 dated 30.11.2024 registered with Anandnagar Police Station, District Dharashiv for the offences punishable under sections 64, 352, 351(2), 351(3) of B.N.S., 2023, 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 shall not enter Dharashiv city for the period of one year from today. The applicant shall not get involved himself in the offence consisting of moral turpitude.

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

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

e] 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.

f] 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.

8. 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.

9. 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.

10. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/