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

BAIL APPLICATION NO. 538 OF 2025

Shaikh Idris Shaikh Amar,
Age: 42 years, Occu.: Labour,
R/o. C/o. Abdul Sattar Abdul Gani,
Shams Nagar, Shanoorwadi, Osmanpura,
Dist. Chhatrapati Sambhajinagar
(Aurangabad)

... Applicant

Versus

1. The State of Maharashtra,
Through Police Inspector,
Osmanpura Police Station,
Dist. Chhatrapati Sambhajinagar
(Aurangabad).

2. XYZ

... Respondents

.....

Mr. Gaurav L. Deshpande, Advocate for Applicant
Mr. P.K. Lakhotiya, APP for Respondent – State
Ms. Priyanka Jadhav, Advocate (appointed) for Respondent No.2

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 28 APRIL 2025

PRONOUNCED ON : 29 APRIL 2025

PER COURT :-

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0019 of 2025, registered at Osmanpura Police Station, Chhatrapati Sambhajinagar, District Chhatrapati Sambhajinagar for offences punishable under Sections 74, 75 of the Bharatiya Nyaya Sanhita and under Section 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

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2. Learned counsel for the applicant submitted that applicant is falsely implicated. He pointed out that, applicant is arrested in above crime on 01.02.2025, and as such, he is behind the bars since three months. He submitted that, allegations are apparently false and after thought. That, FIR is on hearsay information. According to learned counsel, applicant has a pregnant daughter, and therefore, considering his such age, it is impossible for him to commit such an offence. That, now investigation is over and charge-sheet is filed in March 2025. That, no recovery or discovery to be made, and as there are no prospects of matter going for trial, learned counsel urges for grant of bail.

3. Learned APP as well as learned counsel for informant, both strongly opposed on the ground that there is sexual assault on the minor. That, informant has clearly defined the act of the present applicant. That, there are statements under Sections 180 as well as 183 of BNSS. That, there is prompt lodgment of complaint, and therefore, they both seek rejection of application. The both expressed apprehension of misuse of liberty.

4. Heard. Perused the papers. FIR dated 31.01.2025 is at the instance of aunt of a girl aged 7 years. She reported that, around

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04:00 p.m. victim came home in terrifying condition and weeping, on being asked, she reported that while she was going to play, at that time, father of Mobin, i.e. present applicant called her and made her climb on guava tree, and while she getting down, he allegedly kissed her in an inappropriate manner. On above information, FIR has been lodged.

5. Now, investigation is over and charge-sheet is filed in March 2025. No recovery or discovery is to be made at the instance of applicant. Considering the nature of allegations, and as much more time would be required for matter going for trial, apprehension of misuse of liberty can be taken care of by imposing stringent conditions. Resultantly, relief deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0019 of 2025, registered at Osmanpura Police Station, Chhatrapati Sambhajnagar, District Chhatrapati Sambhajnagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
 - [a] The applicant shall not tamper prosecution evidence.

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[b] The applicant shall not enter City Chhatrapati Sambhajinagar, except attending the concerned police station and Courts date, till conclusion of trial.

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

[iii] Fees of the learned counsel appointed to represent no.2 be paid by the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane