



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

CRIMINAL APPEAL NO. 216 OF 2025

Shaikh Kaleem Shaikh Isa

VERSUS

The State Of Maharashtra And Another

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Mr. Maniyar Irfan D, Advocate for Appellant

Mr. S. M. Ganachari, APP for Respondent-State

Mr. V. C. Patil (Ashtekar), Advocate for Respondent No.2

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CORAM : SHAILESH P. BRAHME, J.

DATED : 07TH MAY, 2025

PER COURT :-

. Heard both sides.

2. This appeal is emanating from rejection of pre-arrest bail by impugned order dated 13.01.2025 in Criminal Bail Application No.932/2024. Appellant is apprehending arrest in furtherance of Crime No.0271 of 2024 registered with Kinwat Police Station, Tq. Kinwat, Dist. Nanded for the offence punishable under Sections 74, 115(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(w)(ii) of Prevention of Atrocities Act, 1989.

3. Respondent No.2 lodged report that on 05.09.2024, when she was traveling in auto rikshaw driven by the

appellant, he was not acquainted with her and her caste. He refused to stop auto with oblique motive and then started abusing her on caste. He is alleged to have beat her and and molested.

4. Learned Counsel for the appellant submits that allegations are improbable and provisions under Prevention of Atrocities Act are not attracted. Appellant is falsely implicated in the offence as, his daughter had lodged Crime No.218/2024 for attempt of abduction and outraging modesty against perpetrators. One of them i.e. Nadeem Sk. Shamshoddin is close friend of the informant.

5. Learned APP submits that seizure panchnama has been conducted and video clip has been secured. Incident in question took place at the road side. Appellant has criminal antecedents. No relationship exist between informant and so called Mr. Nadeem Shamshoddin.

6. Mr. Vijay Patil, learned Advocate for respondent No.2 supports the respondent No.1. It is submitted that it's a serious case of molestation in broad day light.

7. I have considered rival submissions of the parties. First Information report does not show that appellant was knowing

caste of the informant who happened to be a passenger. It is contended that when informant objected for accelerating the speed of auto, she was being abused on caste and thereafter, molested. *Prima facie*, the incident in question appears to be improbable. Implication of video clip can not be contemplated at this stage.

8. At this stage of the proceedings, apparently, there is nothing on record to show that informant is close friend of one Nadeem Sk Shamshoddin, who is shown to be accused in the report lodged by appellant's daughter. But, still the implication appears to be for some other or hidden purpose, which will reveal during the course of investigation. Considering nature of allegations, I am inclined to allow the appeal. Hence, following order:

ORDER

- i. Criminal Appeal is allowed by quashing and setting aside impugned order and award passed in Criminal Bail Application in furtherance of Crime No. 0271 of 2024 on furnishing personal bond of Rs.10,000/- (Rs. Ten thousand) with one solvent surety on condition that he shall report the

Investigating Officer on every Sunday between
10:00 am to 04:00 pm.

ii. Applicant shall not contact or tamper the
prosecution witnesses.

(SHAILESH P. BRAHME, J.)

Rushikesh/2025