



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 BAIL APPLICATION NO. 978 OF 2025

Shaikh Arsalan Shaikh Saeed

VERSUS

The State of Maharashtra And Another

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Advocate for Applicant : Mr. Satej S. Jadhav h/f Mr. Rohit P. Patwardhan

APP for Respondent No.1: Mr. P.P. Dawalkar

Advocate for Respondent No.2 : Ms. Karishma Sarin (appointed)

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 8th OCTOBER, 2025.

PER COURT :-

1. This is an application for grant of regular bail under section 483 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 in connection with crime No. 491 of 2024 registered with Cantonment (Chawani) police station, District Aurangabad (city) for the offences punishable under Sections 65(1) and 137(2) of Bhartiya Nyay Sanhita, 2023 and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The learned advocate for the applicant pointed out the report as well as the statement of the victim girl, who is 14 years old in which it is averred that the applicant forced and enticed the victim and thereafter, committed aggravated sexual assault against her

wish. Therefore, the report is lodged.

3. Learned advocate for the applicant submitted that the applicant is 19 years old boy. It is a case of love affair. The victim child is of age of understanding and she had not made any complaint or hue and cry when she was taken away. On the contrary because of love, she fled with the applicant. The applicant has roots in the society. He will not flee away from the trial. The trial will take a long period. The investigation is over and the charge sheet is filed. Learned advocate for the applicant lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State and learned advocate for respondent No.2 have strongly opposed the application and submitted that the applicant has committed serious crime and the victim child is 14 years old. Her statement is recorded before the learned Magistrate under Section 183 of B.N.S.S., 2023 shows that she was forced to run away with the applicant. Considering all these aspects, it is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the statement of the victim child. From her statement, it can be gathered that it was a matter of mutual attraction between the applicant and the victim girl, and the incident took place accordingly. She had not raised any hue

and cry when she eloped with the applicant. Considering the age of the applicant and the fact that the incident took place out of a love affair, the application deserves to be allowed on the principle that bail is the rule and jail is the exception, on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 491 of 2024 registered with Cantonment (Chawani) police station, District Aurangabad (city) be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall not enter in the area or village where the victim girl is residing, till the conclusion of trial.
 - c) If it is found that applicant has committed the similar nature of offence, pressurized the prosecution witnesses and tried to tamper the evidence, the investigating officer conducting the case and the informant, is at liberty to file an application before the trial court for cancellation of the bail of this applicant. The learned trial court shall proceed further to decide such application on merits

even though bail is granted by this Court.

6. Since Ms. Karishma Sarin, learned advocate is appointed to prosecute the cause of respondent No.2, her fees be paid as per the schedule of fees maintained by the High Court Legal Services, Sub-Committee, Aurangabad.

(SANJAY A. DESHMUKH, J.)

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