



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

962 BAIL APPLICATION NO. 1058 OF 2025

**SHAIKH ASHPAK SHAIKH GAFFAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. A. N. Pedgaonkar, Advocate for the Applicant
Mr. S. B. Narwadem APP for Respondent No.1
Ms Karishma Sarin, Advocate for Respondent No.2 (Appointed)

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 17.10.2025

PER COURT :-

1. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.0440 of 2023, registered at Pundliknagar Police Station, District Chhatrapati Sambhajnagar, for the offences punishable under Sections 376, 376(2)(n), 376(3), 323, 506 of the Indian Penal Code and under Sections 4, 5(L) (N), 6, 8, 11(ii) r/w 12 of the POCSO Act.

2. Learned advocate for the applicant pointed out the report in which the step father of the child of 15 years old had

committed penetrative sexual assault on her for many times at many places. Therefore, report was lodged.

3. The learned advocate for the applicant submitted that the applicant has been behind bars for more than two years. The trial has commenced, but till date, the evidence of the witnesses has not been recorded. The trial is likely to take a long time, which affects the applicant's right to speedy trial. He, therefore, prayed for the grant of bail.

4. The learned APP for the State and the learned Advocate appointed for respondent No. 2 opposed the application. The earlier bail application of the applicant was rejected by this Court. The trial has commenced. The applicant is involved in a serious crime, and the punishment of life imprisonment for the remainder of his natural life is likely to be awarded. He is the stepfather of the victim child. If he is released on bail, he will certainly pressurize the prosecution witnesses. It is, therefore, prayed to reject the application.

5. Perused the charge-sheet. Particularly the statement of the victim child, F.I.R. and the report of her medical examination. Earlier bail application of the applicant is rejected by this Court.

Evidence of two witnesses is recorded. The applicant is involved in a serious crime. If he is released on bail, he will pressurise the prosecution witnesses. Considering all these reasons, the application deserves to be rejected. Hence, the following order:-

ORDER

- (i) The Bail Application is rejected.
- (ii) As far as Right to Speedy Trial is concerned, the trial Court is directed to conclude the trial as early as possible and in any case within six months. The trial Court shall follow the directions given by the Hon'ble Supreme Court in the case of ***Tapas Kumar Palit v. State of Chhattisgarh, 2025 SCC OnLine SC 322***. Needless to mention that it is the Sessions Case and once it is started, the same shall not be stopped.
- (iii) Fees of the learned advocate appointed to represent respondent No.2, be paid by the High Court Legal Services Authority, Bench at Aurangabad, as per the Rules.

[SANJAY A. DESHMUKH, J.]