



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

20 BAIL APPLICATION NO. 1092 OF 2025

Sarjeel Ikbal Shaikh

VERSUS

The State Of Maharashtra And Others

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Advocate for Applicant : Mr. Patil Jitendra Vijay

APP for Respondents-State: Mr. N. D. Batule

Advocate for Respondent No.3 : Ms. Mayuri G Kasturkar (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 07, 2025.

PER COURT :-

1. Heard learned counsel for the applicant, the learned APP for the respondent-State, and the learned appointed Counsel for respondent No.3.
2. The applicant seeks bail in connection with FIR No.178/2025, registered with Chalisgaon City Police Station, District Jalgaon, for offences punishable under Sections 74, 75(1)(ii), 329(3) of the Bharatiya Nyaya Sanhita, 2023, and under Sections 8 and 12 of the POCSO Act.
3. By order dated 02/07/2025, this Court directed the appointed Counsel for respondent No.3 to take instructions with respect to the contents at page No.30 of the application, specifically regarding the consent allegedly given before the learned Sessions Court. Upon instructions, the appointed Counsel submits that the consent was obtained under pressure from some family members.
4. Per contra, learned counsel for the applicant submits that the victim and her mother voluntarily gave their consent. At the time of the alleged

incident, the victim was approximately 17 years and 6 months old. It is further submitted that both the victim and her mother were produced before the Sessions Court in-camera, where their consent was duly recorded and verified.

5. On the merits, the learned counsel for the applicant submits that the allegations arise out of a consensual relationship between the parties, which was objected to by the victim's family. It is submitted that there is no allegation of forcible penetrative sex or other grave offence. The applicant was arrested on 22/05/2025 and has been in custody for over one and a half months. It is further submitted that the investigation is now complete.

6. The learned Counsel for respondent No.3, however, submits that if released on bail, the applicant may pose a threat to the victim and her family members and may interfere with prosecution witnesses.

7. Considering the totality of the circumstances that the alleged offence is of outraging of modesty and there being possibility of love relations and the fact that the investigation is nearly complete, and balancing the rival contentions, this Court is inclined to grant bail, subject to stringent conditions. The applicant is directed not to enter the City of Chalisgaon until the commencement of the trial.

8. In view of the above, the application is allowed in the following

terms: -

- a) The applicant shall be released on bail in connection with FIR No.178/2025, registered with Chalisgaon City Police Station, District Jalgaon, for offences punishable under Sections 74, 75(1)(ii), 329(3) of the Bharatiya Nyaya Sanhita, 2023, and Sections 8 and 12 of the POCSO Act, on furnishing a PR bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- b) The applicant shall not contact the informant or her family members in any manner whatsoever during the pendency of the trial.
- c) The applicant shall cooperate with the trial Court and attend each and every date of hearing, unless exempted by the trial Court.
- d) The applicant shall not tamper with the evidence or attempt to influence the informant, witnesses, or any other persons connected with the case.
- e) Upon release, the applicant shall submit his contact number and current residential address to the trial Court, and shall update the same in case of any change.
- f) The applicant shall not enter the City of Chalisgaon until the commencement of the trial.

9. Needless to state, if any of the aforementioned conditions are violated, the bail granted to the applicant shall be liable to be cancelled.

10. It is further clarified that the observations made in this order are prima facie and confined to the adjudication of this bail application. The

trial Court shall proceed independently without being influenced by these observations.

11. The fees of the appointed advocate for respondent No.3 are quantified at Rs.10,000/- (Rupees Ten Thousand only), to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

12. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.