



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

946 BAIL APPLICATION NO. 1207 OF 2025

Shaikh Arbaj Shaikh Ajj

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Mubashirul Abedin Quazi

APP for Respondents: Mr.

Advocate for Respondent No.2 : Mr. Pavan K. Ippar (Appointed)

...

CORAM : ARUN R. PEDNEKER, J.

Dated : July 30, 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.2.
2. The applicant is seeking bail as he was arrested in connection with FIR No.0066/2025, registered with Ramatirth Police Station, District Nanded, for the offences punishable under sections 78, 75(1), 115(2), 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023, under Section 3 (1)(r), 3(1)(s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, and under Section 8 and 12 of the POCSO Act.
3. It is alleged in the FIR that the informant and the applicant reside in the same locality. At the time of the alleged offence, the applicant was 24 years old, and the informant/victim was 17 years old. The FIR states that the applicant was forcefully trying to communicate and meet with the informant, against her will.
4. Further allegations have been made against the applicant's mother and sister. It is alleged that they visited the informant's residence and

assaulted the informant and her family members. The FIR also states that the informant was threatened with acid attack if she refused to talk to the applicant.

5. The learned counsel for the applicant submits that the applicant was arrested on 02/03/2025 and is in custody since then. It is submitted that the charge-sheet is filed, and the investigation is complete. The charge-sheet includes allegations of sexual assault.

6. The counsel further contends that the allegations also involve the applicant's mother and sister and submits that the applicant should be released on bail. He also brings to the Court's notice that a non-cognizable offence was registered against the informant on 01/03/2025, and the present offence arises out of the same underlying dispute between the parties.

7. Per contra, the learned APP and the learned appointed counsel for Respondent No. 2 have opposed the application. Referring specifically to Page No.23G, they submit that the applicant, along with his family members, visited the informant's residence and threatened her. It is argued that the applicant's conduct is dangerous and that, if released on bail, there is a strong possibility that he may cause harm to the informant.

8. In response, the learned counsel for the applicant submits that the victim is now married. However, this fact is specifically disputed by the

counsel appearing for Respondent No. 2.

9. Considering the overall circumstances and the nature of allegations, this Court deems it appropriate to impose restrictive conditions on the applicant. Accordingly, the applicant is directed to stay outside the limits of Village Narasi, Taluka Naygaon (Bazar), District Nanded, for a period of one year from today. However, in the event the applicant is able to produce credible material showing that the victim is now married, he may apply before for relaxation or modification of the above condition.

10. 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.66/2025, registered with Ramatirth Police Station, District Nanded, for the offences punishable under sections 78, 75(1), 115(2), 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023, under Section 3 (1)(r), 3(1)(s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, and under Section 8 and 12 of the POCSO Act, on furnishing PR bond of Rs.25000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

f] The applicant shall not enter Village Narasi, Taluka Naygaon (Bazar), District Nanded, for a period of one year from today."

11. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. Fees of the appointed advocate is quantified at Rs.10,000/- (in words rupees ten thousand only), to be paid by High Court Legal Services Sub-Committee, Aurangabad.

13. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.