



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 BAIL APPLICATION NO. 1347 OF 2025

MOHAMMAD SHAHANAVAZ ABDUL RAKIB
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for applicant : Mr. R.B. Narwade Patil
APP for the respondent – State : Mr. S.N. Morampalle
Advocate for the respondent no. 2 : Ms. Harsha Lomate (appointed)
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 9 DECEMBER 2025

PER COURT :

1. The applicant is seeking bail in Crime No.575 of 2024 dated 28.11.2024 registered at Wajirabad Police Station, District – Nanded for the offences punishable under section 64(1), 115, 3(5) of Bharatiya Nyaya Sanhita, 2023, dated 28.11.2024, under section 4, 6, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012.
2. The prosecution case is that the informant enrolled his grandson in a Madarsa. The Madarsa students stayed in the adjacent mosque and were sleeping together in a single hall. Four Moulanas, including the applicant, were responsible for teaching and supervising the students, with the applicant also sleeping in the hall with them.

3. When the Informant on Saturday, dropped off the grandson at the Madarsa, he started crying. The informant reassured him and left. On November 25, 2024, the informant received a phone call from Abdul Moulana, who asked him to reach to the Madarsa. Upon arrival, the informant found a crowd. Abdul Moulana informed the informant that the applicant had "done wrong" to his grandson. A quarrel ensued between the applicant and some local residents. Following this incident, the informant inquired with his grandson, who then alleged that the applicant/accused had committed an unnatural sexual act with him. Consequently, a first information report was filed.

4. Learned counsel for the applicant submits that the applicant is innocent and has not committed any offence. The allegations against the applicant are baseless and no specific date of the alleged incident is stated. There is delay in lodging the report. It is further submitted that there is variance in the allegations made in the FIR and the statement given by the victim. Thus, the alleged offence against the applicant is not attracted. Moreover, the applicant is ready to abide terms and conditions imposed on him. Hence, prayed to allow the application.

5. Learned A.P.P. for the State and Learned counsel for respondent No.2 have vehemently opposed the application submitting that the offence is serious in nature. The applicant was working as a

teacher in Madarsa and the victim is his student. It is further submitted the Applicant is a resident of another State. As such, there is possibility of absconding. Hence, prayed to reject the application.

6. Having heard both the sides and perusing the papers including the chargesheet, *prima facie* indicates that there are statements of the witnesses showing the complicity of the applicant in the crime. The age victim is aged only 10 years and was sent to Madarsa for studies. However, the applicant taking undue advantage of his position has committed heinous act against the minor child. Apart from the aforesaid aspect, the Applicant is a resident of another state. Thus, the possibility of the applicant evading the trial cannot be ruled out.

7. The material on record i.e. report of medical examination of the victim, *prima facie*, establishes the allegations in the complaint. The ingredients for an offence under Section 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 which is punishable by rigorous imprisonment for a term of not less than twenty years, and may extend to life imprisonment. Therefore, keeping in view the gravity of the alleged offence, the severity of the potential punishment, and the possibility that the applicant might evade trial, I am not inclined to exercise discretion in favor of granting relief to the applicant.

8. Accordinlgy, the bail application is **rejected**.

9. Fees of Ms. Harsha Lomate, Advocate, who is appointed to represent respondent no. 2, be quantified and paid to her by High Court Legal Services Sub-Committee at Aurangabad, as per schedule.

[SACHIN S. DESHMUKH]
JUDGE

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