



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

996 BAIL APPLICATION NO. 1386 OF 2025

SHAIKH NAKIM SHAIKH NAIM
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Satej S. Jadhav.

APP for Respondent/State : Mr. R. S. Wani.

Advocate for Intervenor : Mr. Moinpasha Shaikh Farid, h/f Mr. Angad Lala Kanade.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 18th September, 2025.

P.C.:

1 Heard.

2 This is an application for grant of regular bail in connection with Crime No.70 of 2025, registered with Sillod City Police Station, District Aurangabad (Rural), for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "the BNS") and under Sections 75 and 80 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3 The informant averred in the report that he is P.S.I., Police Station Sillod City, Taluka Sillod, District Chhatrapati Sambhajinagar. The informant averred in the report that on 27th March, 2025, the Sub-District Hospital, Sillod, forwarded MLC No.1944/2025/API/SDH/2025

informing that a minor girl named aged four years, was brought to the hospital in a dead condition. On the basis of the said information, A.D. No.11 of 2025 was registered under Section 194 of the BNS and its inquiry was conducted. Two Panchas were called. Inquest Panchanama was drawn. It was noticed that the deceased child had sustained multiple injuries on various parts of her body, including abrasions on the right side of the head, left cheek, both lips and face. There was swelling on her chest, swelling on the left wrist, injuries on the right leg and swelling on the left knee etc. There were injuries to her private part and back also. Injuries were noted on her waist, buttocks and thighs. Inquest was drawn and postmortem was conducted. As per the postmortem report, she had sustained various injuries and therefore, she died as pus was developed in her entire body. As per the postmortem report, the cause of death is due to multiple injuries and septicemia. The informant averred the said girl child was in the custody of the applicant and other co-accused and therefore, he is having reasonable doubt about them. As the said girl child did not have parents, the report was lodged by the informant.

4 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. There is no such evidence, except the medical evidence. He submitted that the applicant has roots in the society and he will not flee away from the trial. The trial will

take long period. Co-accused are released on bail. It is lastly prayed to allow the application.

5 The learned APP for the State and the learned counsel assisting the prosecution strongly opposed the application and submitted that the applicant is involved in the serious crime. They submitted that if the applicant is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the FIR and the postmortem report. From the charge-sheet, the role of this applicant is not specifically spelt out as to which overt act he has committed. The applicant has no criminal antecedents. He has roots in the society and he will not flee away from the trial. The trial will take long period. Considering all these aspects, case is made out for granting to the applicant bail on the principle that bail is rule and jail is exception. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.70 of 2025, registered with Sillod City Police Station, District

Aurangabad (Rural), for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "the BNS") and under Sections 75 and 80 of the Juvenile Justice (Care and Protection of Children) Act, 2015, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

[SANJAY A. DESHMUKH, J.]

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