



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

BAIL APPLICATION NO. 1819 OF 2025

AMJAD RUKMODDIN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for Respondents No.1 and 2 : Mr. R. D. Raut
Advocate for Respondent No.3 : Mr. P. V. Giri (Appointed)

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 08-12-2025

PER COURT:-

1. The applicant is seeking regular bail in Crime No.161 of 2025 registered with Police Station Parali (Rural), District Beed, dated 15.04.2025, for the offences under Sections 137(II), 64, 75 and 87 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. In connection with said crime, the applicant is arrested on 18.04.2025. After completion of the investigation, the chargesheet is filed.

2. The prosecution case is that on 14.04.2025 at around 11 p.m. the informant, his wife and their son went to the terrace to sleep. At about 1.00 a.m. the wife of informant informed that the victim was not at home. Thereafter, the informant searched her in the neighbourhood, bus stop and railway station at Parali. However, the victim was not traceable.

3. On 18.04.2025, the statement of the victim came to be recorded wherein it was stated that she was acquainted with the present applicant. Both used to work as labourers for harvesting sugarcane in a sugar factory. On 14.04.2025, present applicant took away the victim to his house at Kaij, District Beed, assuring marriage would be performed and committed sexual intercourse with the victim.

4. Learned counsel for the applicant submits that the victim is educated. The victim accompanied with the applicant of her own will. The statement of victim does not indicate any force by the applicant. The victim does not want join her parents. There is no apparent attempt on the part of the victim to rescue herself from the applicant while she stayed with applicant. The applicant is a labour and sole bread earner of the family. Hence, prayed for bail.

5. Learned A.P.P. and the learned counsel for the victim vehemently opposed the application and submitted that the offence is serious in nature. The applicant abducted the victim and committed heinous act. Hence, prayed to reject the application.

6. Perusal of the record indicates that the victim on her own will has accompanied the applicant and stayed together with applicant. The statement of the victim does not reflect any

coercion, threat or force committed by the applicant. The victim is 17 years old and perusal of her statement indicates that she has sufficient understanding the consequences. Moreover, the victim in the statement has specifically stated that she does not want to join her parents. Thus, *prima facie*, it appears that the victim on her own accord left the parents.

7. Apart from the aforesaid aspect, the investigation of the crime is complete and the chargesheet is filed. Nothing is to be recovered at the instance of the accused. Thus, no fruitful purpose would be served by keeping the applicant behind the bar and can be enlarged on bail by imposing stringent conditions.

8. Hence, the following order:

ORDER

- (i) Bail application is allowed.
- (ii) Applicant Amjad Rukmoddin Shaikh be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in Crime No.161 of 2025 registered with Police Station Parali (Rural), District Beed, dated 15.04.2025, for the offences under Sections 137(II), 64, 75 and 87 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on the conditions that,

- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
- (c) The applicant shall furnish address with mobile numbers and would not change it till conclusion of the trial.
- (iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fees of the appointed counsel for respondent No.3/victim as per schedule.
- (iv) Needless to state that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE

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