

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1634 OF 2025

Asif Hakim Shaikh And Another

....Applicant

VERSUS

The State Of Maharashtra And Others

.....Respondent

.....
Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondents: Mrs. P.J. Bharad.

CORAM : MEHROZ K. PATHAN, J.
DATE : 18th NOVEMBER, 2025.

P.C. :-

The applicants have approached this court, seeking grant of anticipatory bail in Crime No. 728 of 2025 registered with Police Station Sangamner Urban, Dist, Ahmednagar for the offence punishable under Sections 333, 118(1), 115(2), 352, 351(2), 119(1), 75, 76 of Bhartiya Nyaya Sanhita.

2] The prosecution case is that, on 6.8.2025, at around 11.00 a.m, the informant went to her sister's house at Naikpuda, Sangamner. At around 3.30 p.m. informant's granddaughter came crying from her school i.e. National English Medium School, Sangamner. Thereafter, informant and informant's daughter in law, questioned as to why she was crying. She replied that from last 4 to 5 days, the person, namely Aksa Aarif Shaikh from her school is beating her and abusing her and also says that, her relatives have registered case against his family members and she should ask her elder sister to withdraw the case. It is also alleged that, while informant's grand-daughter was narring all incidence to the

informant, some people were pelting stones on the house. It is further alleged that, when informant came outside the house she saw that accused persons were pelting stones at informant's sister's house and thereafter accused started assaulting informant. It is further alleged that, at that time, accused No.1, snatched necklace of informant and handed over to accused No.2. The accused Nos. 3 and 4 assaulted informant with fist and kick blows. It is further alleged that accused Nos. 3 and 4 grabbed the granddaughter of informant and tore her school dress and thereafter physically assaulted her and threatened to kidnap her. Upon that, the granddaughter started shouting. People started to gather at the place of incident. Coupled with these allegations, present FIR came to be lodged.

5] It is the submission of the learned counsel for the applicants that the basic allegations were against Sultana and Nausheen, who have assaulted complainant Shabana. However, latter part of deposition is exaggerated even to implicate the male members of the family so that stringent provisions of POCSO Act are invoked against them. It is further submitted that accused Sultana and Nausheen are already released on bail by the learned Sessions Court, who has observed that the role of the accused Nausheen and Sultana is different than the applicants who are male members of the family. It is submitted that perusal of the FIR would show that the applicant also stands on equal footing to that of accused Nausheen and Sultana, who are reported to have actually injured the complainant Shabana by means of a stick. He, therefore, submits that applicants are ready to abide by any conditions that may be imposed by this court while releasing the applicants on bail.

6] As against this, the learned APP vehemently opposes the application on the ground that there are serious allegations under POCSO Act as against the applicants, apart from allegations of assault on

complainant. She further submits that the injury certificate of complainant Shabana shows that the complainant has sustained injuries alongwith a minor girl in the incident. She therefore submits that this is not a fit case to release the applicants on bail.

7] I have gone through the investigation papers made available by the learned APP. Perusal of the FIR would show that it is actually accused Sultana and Nausheen who have assaulted the complainant Shabana, who is mother of accused Nausheen and mother in law of accused Asad. The injury certificate shows blunt trauma, over chest and back and head. Same can be attributed to assault attributed accused Sultana and Nausheen in the FIR. However, injury certificate on victim girl surpsingly shows injuries sustained on her person. However, there is no such role made out either in the FIR or in the statement recorded during the course of investigation, as to who has inflicted such injuries upon the minor victim girl. In so far as allegations about invoking Sections 8 and 12 of the POCSO Act are concerned, the nature of allegations shows that it is at the instigation of co accused Nausheen that the said incident of tearing clothes of the minor victim girl has taken place. Thus, the role of co-accused Nausheen stands on equal footing to that of the prersent appicants, so far as invoking the provisions of POCSO Act are concerned.

8] Looking to the fact that accused Nausheen and Sultana are released on bail by the Sessions Court, I am inclined to grant anticipatory bail to the applicants . So far as the apprehension of the learned APP is concerned, same can be taken care of by imposing stringent conditions. Hence, I pass the following order :-

O R D E R

[I] In the event of arrest of the applicants, in connection with Crime No. 728 of 2025 registered with Police Station Sangamner Urban,

Dist, Ahmednagar for the offence punishable under Sections 333, 118(1), 115(2), 352, 351(2), 119(1), 75, 76 of Bhartiya Nyaya Sanhita, the applicants be released on bail on furnishing PR Bond in the sum of Rs. 50,000/- each, with one or more sureties in the like amount.

[I] The applicants shall not enter the jurisdiction of the police station, Sangamner except for attending the police Station on Monday and Thursday of each week till framing of charge.

[ii] They shall attend the concerned Police Station between 12.00 noon to 2.00 p.m. on every MONDAY, THURSDAY AND FRIDAY till filing of charge sheet and shall cooperate with the investigation.

[iii] The applicants shall not tamper with the prosecution evidence.

[iv] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-