



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

BAIL APPLICATION NO. 1843 OF 2025

**MAHAMMAD AKHIL MAHAMAD KHAZA KHURESHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mrs. Pathan Unejja
APP for Respondent/State : Mr. K.N. Lokhande

Advocate for Respondent No.2 : Ms. Devyani Sonwane (Appointed)

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CORAM : MEHROZ K. PATHAN, J.

DATE : 27th NOVEMBER 2025

PER COURT :

1. The Applicant has filed the present application for grant of regular bail in connection with Crime No.2/2025 registered with the Ardhapur Police Station, Nanded for the offences punishable under Sections 63, 64, 65(1), 78, 96, 137(2), 351(2) and 351(3) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the Applicant enticed the minor victim girl away from the lawful guardianship of her parents. Consequently, the FIR was lodged by the mother of the victim on 02.01.2025, on the ground that the victim had been missing since 28.12.2024.

3. The learned Counsel for the Applicant submits that there is a delay of six days in lodging the FIR, and that the victim herself had willingly left the company of her parents and gone along with the present Applicant. It is her further submission that the entire investigation is already complete and the charge-sheet is already filed and as such the further detention of the Applicant may not be necessary.

4. As against this, the learned APP as well as the learned appointed Counsel vehemently oppose the present application on the ground that the victim girl was 14 years of age at the time of commission of the offence, whereas the Applicant is a married man, aged 38 years, having three children. As such, this is not a case of a love affair between two youngsters. It is further stated that the medical examination of the victim corroborates her statement recorded under Section 161 Cr.P.C., wherein she disclosed that the Applicant had committed sexual intercourse with her after she was brought back to the village.

. The learned APP therefore submits that this is not a fit case for releasing the Applicant on bail and that if the Applicant is released on bail, he may threaten the prosecutrix and thereby cause prejudice to the prosecution evidence.

5. I have seen the charge-sheet with the assistance of the learned Counsel and after going through the same, it could be seen that the medical history as narrated by the victim, does not show that

there was any intoxication or any illicit photography or videography by the Applicant. The case papers further contains the statement of the victim recorded under Section 183 BNS which shows that the victim girl had stated that the Applicant did not allege any sexual intercourse with the victim girl and that the victim girl had herself left the company of her parents and ran away with the Applicant on the promise given by Applicant that he would marry her. The perusal of the statement of the victim under Section 183 BNS depicts a story altogether different from what she stated in the statements recorded under Section 161 Cr.P.C. in the complaint. Be that as it may, these are the prima facie observations which are made only with the purpose to decide the present application. The same may not affect any other proceeding before any other Court.

6. Looking to the fact that the Applicant is behind bars since 28.01.2025, and also that the charge-sheet is already filed and the statement of the victim under Section 183 is already recorded, in my opinion, no fruitful purpose would be served by further detaining the Applicant behind bars. However the apprehension of the learned APP and the learned assisting Counsel for the victim can be allayed by imposing certain conditions. I am therefore inclined to release the Applicant on regular bail, subject to the following conditions. Hence the following order :

ORDER

(a) The Bail Application is allowed.

(b) The Applicant – Mahammad Akhil Mahamad Khaza Khureshi, be released on bail on furnishing P.B. of Rs.50,000/- (Rupees Fifty Thousands) with two solvent sureties of the like amount, in connection with Crime No.2/2025 registered with the Ardhapur Police Station, Nanded for the offences punishable under Sections 63, 64, 65(1), 78, 96, 137(2), 351(2) and 351(3) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on the following conditions:

(i) The Applicant shall not enter the Taluka Ardhapur till framing of the charge.

(ii) The Applicant shall not threaten the prosecutrix.

(iii) The Applicant shall attend each and every date of the trial Court without fail unless exempted by the trial Court on emergent consideration.

(iv) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(v) The Applicant shall submit his Aadhar and PAN Card to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(vi) A single violation of any condition shall entitle the prosecution to seek cancellation of bail.

(vii) Fees of the appointed Counsel for Respondent No.2 shall

be paid as per Rules, by the Sub-Committee of the High Court Legal Aid Committee Services.

(c) The Application stands disposed of accordingly.

MEHROZ K. PATHAN
JUDGE

NATEEB..