



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2096 OF 2024

Sheru s/o Turab Shaikh
Age: 42 years, Occu.: Labour,
R/o. Near Akil Masjid, Pundliknagar,
Tq. & Dist.Aurangabad.Applicant

Versus

The State of Maharashtra
(Through MIDC Waluj Police
Station, District : Aurangabad)Respondent

.....
Advocate for Applicant : Mr.Sohail Subhedar h/f.
Mr. Ashraf R. Shaikh
APP for Respondent : Mr.S.B.Narwade
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 29 JANUARY, 2025

PRONOUNCED ON : 31 JANUARY, 2025

ORDER :

1. Present applicant seeks enlargement on regular bail on account of his arrest in Crime no.0192 of 2024 registered at M.I.D.C. Waluj Police Station, Dist.Aurangabad, for offence punishable under Sections 363, 376(2)(f), 376(2)(n), 376(2)(e), 323, 504, 506 of the Indian Penal Code (IPC).

2. Learned counsel for the applicant pointed out that there is false implication. That, present informant is 26 years old lady. That,

victim has implicated applicant at the instance of one Afsar Amir Shaikh with whom there was some land dispute. That, previously also there was false implication by mother of informant. That, applicant had suffered sentence for said offence and he is released in November 2023 and therefore, again with ulterior motive above FIR has been registered levelling allegations of some instances, which had allegedly taken place in June 2023 and February 2024. That, now investigation is over. That, chargesheet is already filed and as nothing is to recovered or discovered from the applicant, learned counsel prays for grant of bail.

3. While opposing the bail application, learned APP pointed out that serious offence has been committed on step daughter. According to learned APP, due to such relations, there was delay in reporting, however, now crime has been registered. Learned APP pointed out that applicant has bad antecedents and as many as five crimes of similar nature were registered against him and for such reasons, he opposes present application.

4. Heard. Perused the papers. Victim, a 26 years lady, reported Police that she resides at Jogeshwari, Tq.Gangapur, Dist.Aurangabad and has three children and resides with her husband and family. She

reported that, she lost her mother in 2012. According to her, on 29-02-2024, present applicant came to Jogeshwari, picked up quarrel with her in-laws and by threatening her, he brought her with her children to Pundlik Nagar, Aurangabad and early morning, he had forcible sexual relation with her. She also reported that, while she was of 11 years of age, that time also, applicant, her step father, had raped her of which crime was registered and he was convicted. Therefore, *prima facie* there are allegations against step father by a married step daughter.

5. Learned APP has emphasized that five crimes of similar nature are registered against him. Applicant himself admits that he is released from prison in November 2023. There is nothing in support of contention raised that due to land dispute, at the instance of one Afsar Amir Shaikh, present FIR has been registered. Resultantly, taking the nature of accusations into consideration, this Court does not find it a fit case for grant of relief. Hence, the following order :

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE