



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2148 OF 2025

ALIM ABBAS SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondents-State : Mr. Rajdeep D. Raut

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CORAM : SACHIN S. DESHMUKH, J.

Date : 23rd December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 25.07.2025 bearing Crime No. 807 of 2025 registered with Pathardi Police Station, Dist. Ahmednagar for the offences punishable under Sections 118(1), 351(2), 352, 69 and 89 of Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the informant / victim met the applicant / accused on the social media app TikTok in 2020. The applicant expressed his love towards the informant and desire to marry, in the event of refusal, threatened of suicide. Although the informant, who was already married and has a daughter, however, in November 2021, the applicant persuaded the informant to meet in Lonavala where the applicant engaged in

sexual intercourse with informant against her will, under the pretext of marriage and reassuring her that their actions would remain a secret. After she returned home, the applicant continued to harass the informant with calls and messages, even using her husband's phone number. The applicant informed the informant's husband that they were in a relationship and had a physical relationship. As a result, the informant's husband divorced informant in July 2022. The applicant continued to make false promises of marriage and had physical relations with the informant multiple times in various places.

3. The further case of prosecution is that in November 2023, after revealing that the informant became pregnant, the applicant allegedly forced informant to undergo an abortion against her will. Whenever the informant confronted the applicant regarding their marriage, applicant repeatedly assured the promises. In June 2025, the informant met the applicant at a hotel to discuss their marriage; however, applicant again engaged in sexual intercourse with informant, after which, threatened informant and explicitly refused to marry her.

4. The learned counsel for the applicant submits that the

the informant / victim accompanied the applicant from time to time on her own accord and was fully aware of the consequences of her relationship with him. Even abortion was conducted with the consent of informant. As the investigation is complete, the charge-sheet has been filed, and nothing further remains to be recovered from the applicant, it is prayed that the application be allowed.

5. The learned APP for the State vehemently opposed the application, submitting that the accused subjected the victim to sexual exploitation. Committed the serious nature of the offense, it is contended that the applicant's release on bail would pose a significant risk of tampering with evidence. Consequently, the prayed for the application to be rejected.

6. Informant / victim filed a police complaint against the applicant for deceiving and exploiting her under the pretext of marriage. Based on the report lodged by the informant, the arrest of the applicant is effected on 25.07.2025. The applicant remanded to PCR till 28.07.2025 and since then, he is in judicial custody.

7. Considering the submissions from both sides and perusing the record, including the charge-sheet, it prima facie appears that the victim accompanied the applicant and they stayed

together at several places. A perusal of the statement transpires that the victim went to Lonavala with the applicant and stayed there.

8. Thus, the victim appears to have consciously participated in the acts, which indicates the conscious choice of the informant. Further perusal of material on record prima facie indicates that even for the purpose of abortion, the informant has expressly consented. Thus, the emerging factual matrix does not, at this stage, reflect any active inducement or coercive conduct on the part of the accused.

9. The investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed. Having regard to the number of the accused and the witnesses, which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further incarceration of the application as an under-trial prisoner, in the circumstances of the case, does not seem to be either warranted or justified. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

10. Keeping in view the peculiar facts and circumstances of the case, the applicant entitled for bail. The learned APP's

apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

11. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Alim Abbas Shiakh be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 807 of 2025 registered with Pathardi Police Station, Dist. Ahmednagar for the offences punishable under Sections 118(1), 351(2), 352, 69 and 89 of Bharatiya Nyaya Sanhita, 2023, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this

Court seeking cancellation of bail.

- (III) Needless to states 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, J.)

Omkar Joshi