



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

925 BAIL APPLICATION NO. 2370 OF 2024

Sarfaraj Raju Shaikh

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Chormal Ajit B.

APP for Respondents-State: Ms. A. S. Mantri

Advocate for Respondent No.2 : Mr. Salunke Nitin S.

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CORAM : ARUN R. PEDNEKER, J.

Dated : June 24, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with FIR No.I-17 of 2024, dated 10/01/2024, registered with Sangamner City Police Station, Tq. Sangamner, District Ahmednagar, for the offences punishable under sections 376 (2) (N), 363, 366 of the Indian Penal Code, under Section 4, 6, 8, 12 of the protection of Children form Sexual offences Act, 2012, and under Section 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (prevention of Atrocities) Act, 1989.
3. An FIR was registered on 10/01/2024 for the offence of kidnapping of the daughter of the informant, who was 17 years and 9 months old at the relevant time. Subsequently, the police traced the victim and found that she

had been in the company of the applicant for nearly one month, as such above offences are registered against the applicant and he was arrested on 25/04/2025.

4. The victim's statement was recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS). It is noted from her statement that she herself accompanied the applicant and that no force or coercion was used by the applicant. Although the victim was a minor at the relevant time, she was close to attaining the age of majority and appeared to have made a conscious decision.

5. Based on the statement recorded under Section 183 of the BNSS, it prima facie appears that the relationship between the applicant and the victim was consensual in nature.

6. The learned APP, as well as the learned counsel for Respondent No.2 – the victim, submitted that the victim was a minor at the relevant time and also pointed out that the applicant has certain criminal antecedents.

7. However, taking into account the victim's own statement, her age being close to the age of majority, and the apparent consensual nature of the relationship, a prima facie case is made out for granting regular bail to the applicant. Hence, the applicant is granted regular bail.

8. In view of the above, the application is allowed in the following terms: -

a] The applicant shall be released on bail in connection with FIR No.I-17 of 2024, dated 10/01/2024, registered with Sangamner City Police Station, Tq. Sangamner, District Ahmednagar, for the offences punishable under sections 376 (2) (N), 363, 366 of the Indian Penal Code, under Section 4, 6, 8, 12 of the protection of Children form Sexual offences Act, 2012, and under Section 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (prevention of Atrocities) Act, 1989, on furnishing PR bond of Rs.25000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9. Needless to say, in case of violation of any of the aforesaid

conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.