



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.484 OF 2025

Sheikh Kalim Sheikh Khalil

Vs.

State of Maharashtra through Police Station Officer, Police Station, Risod,
District Washim and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. N. Ali, Counsel for the applicant.

Ms. Sneha Dhote, APP for the non-applicant No.1/State.

Ms. R. K. Swami, appointed Counsel for the non-applicant No.2 – victim.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 13/08/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.681/2021 registered initially under Section 363 of the Indian Penal Code and subsequently, under Sections 354, 354A, 366, 376(3) and 506 read with Section 34 of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered on the basis of a report lodged by the mother of the victim girl on an allegation that her daughter aged about 15 years and 11 months, left the house to attend school and thereafter, did not return back. She traced for her daughter, but she could not find and therefore, she

approached to the Police Station and lodged the report against the unknown person. On the basis of the said report, police have registered the crime.

3. During the investigation, both the victims were traced and their statements were recorded. From their statements, it reveals that the present applicant and the other co-accused approached to them when they were near the gate of the school and took them along with them. Other co-accused Sajid Pathan was also along with them at that time. It is alleged that present applicant has forcefully insisted the victims to sit in the car and thereafter, they all proceeded towards Pusad and Pusad to Mahur road. It is alleged that the present applicant subjected the victim No.2 i.e. R (for the purpose of the identification), outraged her modesty by pressing her chest. On the basis of the said allegation, the applicant was arraigned as an accused. The initial bail application of the present applicant was rejected on merits.

4. Heard learned Counsel for the applicant, who submitted that while considering the first bail application for grant of anticipatory bail the fact that the WhtatsApp chats between the present applicant and the victims were not brought on record. The said ground was also not taken and therefore, there is change in circumstance and in view of that, the application is maintainable. He invited my attention

towards the statement of victim R as well as the WhatsApp chats, especially on page No.173, which shows that the victim was communicating with the present applicant through the mobile phone of the other victim. Thus, he submitted that considering the relationship between the victim and the present applicant appears to be a love affair. The victim was on the verge of attaining the age of majority. She herself has left the house along with the present applicant and joined his company. As far as the allegations are concerned, which only to the extent of outraging the modesty. Now, the investigation is already completed, charge-sheet is already filed against the co-accused. The custodial interrogation of the present applicant is not required.

5. Learned APP and learned Counsel for the victim strongly opposed the said application and invited my attention towards the statement of the victim and submitted that considering the statement of the victim, it reveals that victims were taken by using the force and thereafter they were subjected for the sexual assault. Learned appointed Counsel for the non-applicant No. 2 – victim also invited my attention towards the WhatsApp chats and submitted that these WhatsApp chats are not between the present applicant and victim No.2 i.e. Victim - R. As far as the custodial interrogation is concerned, which is required, considering the nature of the allegations. Learned APP also submitted that the applicant was

absconding since the date of the incident. In view of that, the application deserves to be rejected.

6. On hearing both sides and on perusal of the recitals of the FIR and the statement of victim, it reveals that the present applicant and the other co-accused forcefully took them. However, the WhatsApp chats between the victim No.2 i.e. victim R and the present applicant shows that they were communicating with each prior to the incident through the WhatsApp chats. It also reveals that at they own joined the company of the present applicant and the other co-accused. As far as the contention of the learned APP that the applicant was absconding is concerned, no material is on record to show that any proclamation was issued against the present applicant or any warrant was issued against the present applicant. Thus, the contention regarding the abscondence is not substantiated by any material. Considering the fact that now the investigation is already completed and the WhatsApp chats between the present applicant and the victims, custodial interrogation of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.681/2021

registered with Police Station Risod, District Washim for the offence punishable under Sections 363, 366, 354, 354A, 376(3) and 506 read with Section 34 of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant **Sheikh Kalim Sheikh Khalil** shall be released on anticipatory bail, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

(iv) The applicant shall not induce, threat or promise any witnesses either physically or through electronic media.

7. The fees of the appointed Counsel be quantified as per rules.
8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)