



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

CRIMINAL APPEAL No.102 OF 2025

Shaikh Zaheer Shaikh Khalik,
Age about 36 years,
Occupation : Service,
R/o. Iqbal Chowk, Buldhana,
Tq. and Distt. Buldhana.

: APPELLANT

...VERSUS...

1. State of Maharashtra,
Through Police Station Officer,
Police Station Buldhana City,
Tq. and Distt. Buldhana.

2. XYZ (Victim)
In connection with Crime No.0034/2025,
Police Station Buldhana City,
Tahsil and District Buldhana.

: RESPONDENTS

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Mr. S.S. Karanjkar, Advocate for Appellant.
Ms. Harshada Prabhu, Addl. Public Prosecutor for Respondent No.1.
Mr. G.R. Bhake, Advocate for Respondent No.2.

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CORAM : URMILA JOSHI-PHALKE, J.

DATE : 20th MARCH, 2025.

ORAL JUDGMENT :

1. Heard. Admit.

2. By preferring this appeal the appellant has challenged the order passed by the Additional Sessions Judge and Special Judge Buldhana rejecting the application of the present appellant for grant of

bail in Regular Bail Application No.57/2025 dated 5.2.2025.

3. The present appellant is the accused against whom the report is lodged by the victim on 9.1.2025 alleging that when he was returning from the marriage on 5.1.2025 one unknown person contacted and asked him whether he was interested and working in civil hospital and, therefore, he exchanged his mobile number with him. Thereafter, on 7.1.2025 said person called him asked him to meet at Civil Hospital and thereafter subjected him for sexual harassment. On the basis of the said report Police have registered the crime against the present appellant.

4. Heard learned counsel for the appellant, who submitted that under the misconception of the identity present appellant is implicated in the alleged incident. As far as the further custodial interrogation is concerned which is not required. Investigation is already completed. The alleged offences are punishable with imprisonment upto five years. Considering the limited punishment is provided and further incarceration is not required, he be released on bail.

5. Learned A.P.P. strongly opposed the said application on the ground that 17 years boy was subjected for the sexual harassment by the present appellant. The statement of the boy is sufficient to show his involvement, therefore, the application deserves to be rejected.

6. Learned counsel for the respondent No.2 has raised no objection as far as the prayer of bail is concerned.

7. After hearing both sides and on perusal of investigation papers it reveals that allegation is only to the extent of physical touch on the lips of the informant boy. Considering the nature of the allegation and as now the investigation is already completed, charge-sheet is yet to be filed further incarceration of the present appellant is not required. In view of that, appeal deserves to be allowed. Accordingly, I proceed to pass following order :

ORDER

- (i) The appeal is allowed.
- (ii) The order passed by the Additional Sessions Judge, Buldhana in Regular Bail Application No.57/2025 rejecting the application is hereby quashed and set aside.
- (iii) The appellant – Shaikh Zaheer Shaikh Khalik shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- in connection with Crime No.34/2025, registered with Police Station Buldhana City for the offence punishable under Sections 75(2), 78(2) of the Bharatiya Nyaya Sanhita, 2023, under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (iv) The appellant shall not induce, threat or promise

any witnesses, who are acquainted with the facts of the case.

(v) The appellant shall attend the proceeding before the Additional Sessions Judge, Buldhana without seeking any exemption.

(vi) The appeal is disposed of.

(URMILA JOSHI-PHALKE, J.)