IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 BAIL APPLICATION NO. 1302 OF 2026

Salman Ashpak Shaikh
VERSUS
The State Of Maharashtra And Another
...
Mr Jadhav Satej S, Advocate for the Applicant
Mr. V. K. Kotecha, APP for the Respondent-State
Mr. A.A. Phad, Advocate for Respondents

CORAM : HITEN S. VENEGAVKAR, J.

Dated : 22nd October, 2026

PER COURT :-

1. Present application filed for regular bail by the applicant who is arrested in connection with the First Information Report bearing Crime No. 578 of 2024 registered at Tuljapur Police Station, District Dhrashiv for the offences punishable under sections 64, 75, 78, 126(2), 351(2), 351(3) of the Bhartiya Nyaya Sanhita, under Sections 4, 8, 12, 15 of the Protection of Child from Sexual Offences Act and Sections 3 (1)(w)(i) and 3(1)(w)(ii), 3(2)(va), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The applicant came to be arrested on 21.12.2024 and since then he is in custody.

2. The earlier attempt of the present applicant seeking regular bail from this Court was turned down with liberty granted to withdraw the application and file afresh application after a period of nine

months, in the event, the trial does not proceed. The present application is filed in the month of June, 2026.

3. The learned Advocate for he applicant submits that the liberty was granted by this Court and, therefore, even if the present application is successive bail application, the application will have to be decided on merits of the matter. He submits that the relationship between the applicant and the victim was that of a love affair and the FIR has been lodged merely for the reason that the another girl with whom the applicant also had affair at the same time, proceeded to lodge the FIR against him. He submits that because the said FIR was registered, the victim got annoyed that he was double dating and hence, this false is registered against him.

4. The prosecution story which is indicated in the FIR makes allegations against the applicant, whereby, on the date of incident, the applicant has spiked the drinks of the victim and then committed forcible sexual intercourse upon the victim. The victim was 16 and half years of age on the date of incident and, therefore, admittedly a minor under the provisions of POCSO Act.

5. The liberty which was granted by this Court on 28.07.2025 was specifically to file fresh application after a period of nine months, in the event the trial does not proceed. The learned APP appearing for the State submits that in all there are 19 witnesses, out of which, four

witnesses are already examined and remaining witnesses can be examined and the trial will be concluded within a period of eight months from today.

6. The learned Advocate appearing for the respondent/victim submits that the trial has substantially proceeded and therefore, the liberty which was granted does not come into existence for filing successive bail application.

7. Taking into consideration that out of 19 witnesses, four witnesses have already been examined and remaining witnesses can be examined and conclusion of the trial as stated by the learned APP will be done within a period of eight months from today, I am of the opinion that it cannot be said that the trial has not proceeded substantially. Even otherwise, on the merits of the matter, the allegations against the present applicants are serious and heinous in nature. The allegations also include forcible religious conversion and taking advantage of a girl belonging to a particular religion by spiking her drink and then subjecting her to forcible sexual intercourse. The application, therefore doesn't deserve to be allowed.

8. The application stands dismissed.

(HITEN S. VENEGAVKAR, J.)

JPChavan