



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

BAIL APPLICATION NO.1823 OF 2025

Mohammad Ajaz s/o Abdul Hafiz Shaikh ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mrs. U.T. Pathan, Advocate for applicant
Mr. S.D. Ghayal, A.P.P. for respondent No.1 – State
Ms Shilpa D. Magar, Advocate for respondent No.2 (appointed)

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 21st JANUARY, 2026

PER COURT :

1. By this application, the applicant seeks release on regular bail in connection with Crime No.473/2024, registered with Cantonment Police Station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 137(2), 70(1)(2), 96, 123, 142, 238 of the Bhartiya Nyaya Sanhita, 2023 and Sections 4(1) and 17 of the Protection of Children from Sexual Offences Act (for short POCSO Act).

2. The prosecution case in short is that, the victim, who is aged 16 years and 7 months, was kidnapped by the accused Nos.1 and 2 and was taken to Padegaon, Auragnabad in a vehicle in which the accused No.2 intoxicated her and committed penetrative sexual assault on her. On the basis of the complaint lodged by mother of the victim, the F.I.R. came to be registered initially against accused Nos.1 and 2 and during investigation, in the further statement of the victim, disclosed that the accused Nos.1 and 2 further took her to a Godown at Bhabhali Phata, Taluka Shirpur, District Dhule and in the said Godown, the accused No.2 along with 3 to 4 associates committed sexual assault on her and also beaten her. During investigation, it transpired that, the applicant (accused No.3) is one of the said co-associate and identified by the victim and accordingly, came to be arrested and is in jail since 30/4/2025.

3. Learned counsel for the applicant submits that, the co-accused Jaypal, against whom the allegation of taking the victim in his vehicle is levelled, coupled with the same, the further allegation of administering her the stupefying substance and eventually committed sexual assault, the victim has given no objection for releasing him on bail. Equally, the accused Jayshree Sonawane, who allegedly allured the victim to join her, is also enlarged on bail.

As such, the applicant is entitled to be enlarged on bail.

4. The learned A.P.P. and the learned counsel for respondent No.2 opposed the application, submitting that a minor girl was taken out of the custody of the lawful guardian and eventually exposed to sexual exploitation by the accused persons, and in the process, was further subjected to the sexual assault even by the present applicant, which is evident from the material collected by the investigating officer and as such, same does not entitle the applicant to be enlarged on bail.

5. Having considered the rival submissions and perusal of the material on record including the chargesheet, the assertion of the victim that she was taken out of the custody of her lawful guardian at the instance of the accused Jayshree Sonawane, and eventually it was the accused No.1 Jaypal who drove the vehicle and eventually the victim was administered stupefying substance and also subjected to sexual assault on numerous occasions. The victim has not objected the release of the accused Jaypal. The allegations of sexual assault as against the present applicant are also levelled. However, considering the aforesaid aspect, I am of the view that, since the investigation is complete for all intent and purpose, nothing further remains to be recovered at the instance of

the present application. The apprehension expressed by the learned A.P.P. about tampering with the prosecution witnesses and the availability of the applicant can be adequately taken care of by imposing stringent conditions. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Mohammed Ajaz s/o Abdul Hafiz Shaikh be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall not leave the jurisdiction of Cantonment Police Station, Chhatrapati Sambhajinagar till conclusion of the trial.
 - (c) The applicant shall remain present on each date, unless exempted by the trial Court.
 - (d) In the event breach of either of the aforesaid conditions, it would be open for the prosecution or the victim to approach the concerned Court seeking

cancellation of bail, notwithstanding the fact that the order is passed by this Court.

(iii) Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial Court shall proceed independently and uninfluenced by the observations made hereinabove.

6. The High Court Legal Services Sub-Committee, Aurangabad to pay the fees to the appointed learned counsel on behalf of respondent No.2, as per rules.

(SACHIN S. DESHMUKH, J.)

fmp/-