IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1972 OF 2025

SHAIKH AHEMAD SHAIKH GHUDU
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent No.1 : Mr. G. O. Wattamwar
Advocate for Respondent No.2 : Ms. Vrishab M. Patil
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 27-01-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.320 of 2023 dated 17.11.2023 registered with Umari Police Station, District Nanded, for the offences punishable under Sections 376(2)(d)(f)(i)(n), 376(3), 354(k) of the Indian Penal Code, Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Sections 66(e) and 67 of the Information Technology Act, 2000. In the said crime, the applicant was arrested on 07.09.2025. After completion of the investigation, the chargesheet has been filed on 04.09.2025.

2. The prosecution case is that the informant and others suspected that the applicant was sexually harassing minor girls who were students at the Madarsa, located in Talgaon, Taluka Umri, District Nanded. To capture these alleged episodes of sexual harassment, CCTV cameras were installed within the Madarsa.

While monitoring the footage, the cameras did not capture the alleged harassment of minors; instead, they captured an incident in which the applicant was found to be sexually involved with an adult woman. Accordingly, the report was lodged.

3. The learned counsel for the applicant submitted that the alleged incident took place in the year 2018, but the report in that regard has been lodged only on 17.11.2023. The learned counsel submits that there is an unexplained and substantial delay of approximately seven years in lodging the report, suggesting that the report may be an afterthought. Furthermore, the statements of the victim were recorded by the Child Welfare Committee (CWC), and the victim reportedly did not make any statement incriminating the accused. It is further submitted that one of the co-accused has already been released on anticipatory bail. Therefore prayed that the applicant be released on bail.

4. The learned A.P.P. for the State and the learned counsel for the victim opposed the application for bail submitting that statements of minor girls were recorded in the presence of members of the Children Welfare Committee (CWC). These witness statements indicate that the applicant is involved in serious alleged offence. Based on the gravity of the accusations, they prayed that the bail application be rejected.

5. Upon considering the submissions made by both sides and perusing the material available on record, indicates that the allegations leveled against the accused are vague and general in nature. The sole specific allegation and assigned role against the applicant stems from the statement of one witness/victim named Shahin, who alleges that the applicant committed sexual assault on her.

6. However, the victim was sixteen years old at the time of the alleged incident, but her statement detailing the specific allegations was recorded subsequently, specifically in the year 2025. Considering the significant delay in lodging the report, the general nature of the allegations, the substantial time lapse between the alleged incident involving the victim/witness and the recording of her specific statement, the absence of material on record to indicate that the victim was ever admitted to the Madarsa, and the fact that the co-accused has already been released on bail, the further incarceration of the applicant would be unjustified.

7. Nevertheless, The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

8. Hence, the following order:-

ORDER

(i) Bail application is allowed.

(ii) Applicant, Shaikh Ahemad Shaikh Ghudu, 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 Crime No.320 of 2023 dated 17.11.2023 registered with Umari Police Station, District Nanded, for the offences punishable under Sections 376(2)(d)(f)(i)(n), 376(3), 354(k) of the Indian Penal Code, Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Sections 66(e) and 67 of the Information Technology Act, 2000, on the conditions that;

(a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

(c) The applicant shall submit his Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.

(d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.

(iii) Needless to state that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]

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