



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2133 OF 2025

Asif Yunus Pathan

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

Mr. J. I. Shaikh, Advocate for the Applicant
Smt. R. R. Tandale, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th JANUARY, 2026.

PER COURT :

1. Applicant has filed this Application seeking regular bail in connection with Crime No. 247/2024 registered with Kopargaon Police Station, Dist. Ahilyanagar for the offences punishable under Sections 63, 69, 329(4), 319(2) of the Bharatiya Nyaya Sanhita, 2023.
2. The case of the prosecution is that that in the month of June 2024 the victim received a friend request by Applicant through Facebook. Since then, Applicant and victim continued chatting on WhatsApp. It is further alleged that the Applicant established contact with the victim on WhatsApp by concealing his real identity. Applicant threatened victim that if she refuses to do so he would disclose about their chatting to her husband. As a result of which, the victim shared her photos to the Applicant through WhatsApp.

On 04.07.2024 at about 9.30 am, Applicant called the victim stating that he would visit her house. Accordingly, the Applicant allegedly visited the house of the victim and forcibly committed sexual assault on her. In such backdrop, the First Information Report came to be lodged.

3. Learned Counsel for the Applicant submits that the applicant is behind the bars for considerable period. The alleged incident is dated 04.07.2024 and the First Information Report came to be lodged on 05.07.2024. It is further submitted that Applicant is falsely implicated in the crime and he has no criminal antecedents. The victim was consenting party to sexual relation and as such, there is no prima facie case against the Applicant. The investigation of the case is complete and charge-sheet is also filed. As such, further incarceration of the Application is not warranted. Hence, pryaed to allow the Application.

4. Learned APP opposed the Application on the ground that the offence is serious in nature. It is submitted that the while establishing relationship with the victim, the Applicant has concealed his real identity. There is substantial evidence on record indicating complicity of the present Applicant in the offence and a such he is not entitled to be released on bail.

5. Having considered the submissions and perusal of the record including charge-sheet, it is evident that the Applicant had concealed his real identity while establishing relation with the victim. Perusal of charge-sheet also indicates that the Applicant had indulged into the act of extracting obscene photographs of the victim and committed the act of sexual assault on her.

6. The Hon'ble Apex Court in the case of Mahipal vs. Rajesh Kumar and others (AIR 2020 SC 670) has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear prima facie case. The Court should not conduct a mini-trial, it should only examine whether the available evidence links the accused to the alleged crime.

7. In view of the aforesaid observations and having regard to the gravity of the offence, the Applicant is not entitled for release on bail, as this is not a case to exercise discretion to grant bail. As such, I do not find merit in the present Application.

8. Accordingly, the Application is rejected.

(SACHIN S. DESHMUKH, J.)