



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

950 BAIL APPLICATION NO. 2283 OF 2025

Sarfaraz Shahanawaz QuaziApplicant

VERSUS

The State of MaharashtraRespondent

Mr. S. S. Kazi, Advocate for Applicant.
Mrs. P. V. Diggikar, APP for the State.
Mr. V. S. Wakale, Advocate (Appointed) for Respondent No. 2.

WITH
BAIL APPLICATION NO. 2308 OF 2025

Faiz Ahmed Mohsin Ahmed Applicant

VERSUS

The State of Maharashtra & anotherRespondents

Mr. K. S. Kahalekar, Advocate for Applicant.
Mrs. P. V. Diggikar, APP for the State.
Mr. V. S. Wakale, Advocate (Appointed) for Respondent No. 2.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 21st JANUARY, 2026.

PER COURT :

1. Applicants are seeking regular bail in connection with Crime No. 496/2025 registered with MIDC CIDCO Police Station, Dist. Chhatrapati Sambhajnagar, for the offences punishable under Sections 109(1), 118(1), 137(2), 140(4), 189(2), 190, 191(2), 351(2) of

Bharatiya Nyaya Sanhita, 2023 and Sections 12, 14 of Protection of Children from Sexual Offences Act.

3. Prosecution case is that on 26.08.2025, victim No. 1 along with his friend/victim No. 2 had been to a shopping mall where girl friends of both of them were accompanied. After shopping in the mall, friend of the victim and the two girls left the mall at about 5.30 pm. When victim reached parking area of the mall, he noticed two accused persons parked their vehicle across his vehicle. They forcibly took the victim on his motorcycle with them. When reached to Pyramid square, victim No. 1 saw victim No. 2 and told him that the accused are forcibly taking him away. Enroute other accused persons accompanied them on their vehicle. They assaulted him with a wooden rod on his calf. Thereafter the victim was taken to a hotel where the accused, alleged mastermind of the crime, was present, who asked the victim as to why he roamed with those two girls. Thereafter the victim was taken to Padegaon and was abused and threatened by the accused and were inflicted fists and kick blows. One of the accused tried to strangle the victim by belt and attempted to commit murder. Accused stripped the victim and beat him on his hands, legs and arms. At that time, Applicant Faiz

Ahmed Mohsin Ahmed was recording the incident. On noticing that police are searching them, they took him to the hotel and threatened to kill in the event of disclosure of the incident to the police. On the basis of these allegations, complaint came to be lodged which has resulted into registration First Information Report against the accused.

3. Learned counsel for the Applicants submits that this is a case of over implication as sweeping allegations are made against the Applicants and no specific role is attributed against the Applicants. First Information Report was lodged against unknown person. Further, there are no criminal antecedents against the Applicants. Hence, prayed to enlarge the Applicants on bail.

4. Learned APP and learned Counsel for Respondent No. 2 vehemently opposed the application by citing seriousness of the crime. It is submitted that the incident is videographed which indicates complicity of the Applicants in the crime. It is further submitted that the offence is committed against a minor boy and looking to the gravity of the offence, the Applicants are not entitled to get any relief. Hence, prayed to reject the application.

5. Considering the submissions of both the sides and on perusal of the record, including charge-sheet, it is evident that initially, the First Information Report was lodged against unknown persons. The present Applicants came to be arraigned as accused during the investigation the basis of the CCTV footage. Subsequently, the statement of the victim/child came to be recorded which indicates that certain persons kidnapped and assaulted him. However, no specific allegations are levelled against the present Applicants.

6. As far as the CCTV footage is concerned, the same is an aspect of trial and can be dealt with by the Trial Court. As such, the same cannot be relied upon as a sole basis to withhold liberty of the Applicants. Moreover, the Applicants have no criminal antecedents.

7. Nevertheless, investigation in the crime is complete for all intent and purpose. Charge-sheet is filed. As such, no fruitful purpose would be served by keeping the Applicants behind the bars. Hence, I am inclined to exercise discretion in favour of the Applicants by imposing stringent conditions. Hence, the following order :-

ORDER

- (i) Applications are allowed.
- (ii) Sarfaraz Shahanawaz Quazi, Applicant in Bail Application No. 2283/2025 and Faiz Ahmed Mohsin Ahmed, Applicant in Bail Application No. 2308/2025, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) each with one or two local solvent sureties, in the like amount, in connection with Crime No. 496/2025 registered with MIDC CIDCO Police Station, Dist. Chhatrapati Sambhajnagar, for the offences punishable under Sections 109(1), 118(1), 137(2), 140(4), 189(2), 190, 191(2), 351(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 12, 14 of Protection of Children from Sexual Offences Act., on the following conditions :-
 - (a) The Applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The Applicants shall attend the trial on each and every date unless exempted by the Trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The Applicants shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the 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, 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.

8. High Court Legal Services Sub-Committee at Aurangabad to pay fees of the appointed Counsel as per rules.

(SACHIN S. DESHMUKH, J.)

dyb