



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

BAIL APPLICATION NO.2539 OF 2025

Asir @ Asif Liyakat Shaikh

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. Shaikh M.A. Jahagirdar, Advocate for applicant
Ms R.R. Tandale, A.P.P. for respondent No.1 – State
Mr. Ajaz Ahmed Rafiq Baig, Advocate for R.No.2.
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 30th JANUARY, 2026

PER COURT :

1. By this application, the applicant seeks release on bail in connection with Crime No.212/2025, registered with Ahilyanagar Camp Police Station, for the offences punishable under Sections 64(2)(m), 74, 75, 333, 115(2), 351(2), 351(3), 118(1) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that, on 3/4/2025 at around

10.00 a.m., while, the complainant victim was alone at home, and her husband having gone for work and the children to school, the applicant allegedly jumped over the compound wall into her residence and when the complainant attempted to close the kitchen door, the applicant forcefully entered, pushed her against the door and caused head injury to her and proceeded to assault her. The assault included hugging her, pressing her chest, lifting her saree and fondling her private parts. Upon resistance, the scuffle took place, the applicant assaulted her with fists and kicks. The applicant threatened to kill her if she discloses the incident to any one and fled away. After getting treatment, the complainant lodged the F.I.R.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the present case on account of pre-existing dispute. The prosecution case is travelling from “attempt to assault” to “actual assault” by passage of time, which establish fallacy in the prosecution case and suggests improved story. Therefore, prays for allowing the application.

4. On the contrary, the learned A.P.P. vehemently opposed the application, contending that the offence is serious.

5. After having heard learned counsel for both the sides, and upon perusal of material on record, including Chargesheet, the implication of the applicant is apparently false. Considering the fact that the allegations of attempt to assault, which is further improved to actual assault, prima facie, indicates false implication, and further narration of the existing dispute entails the applicant to be admitted to bail.

6. Nevertheless, the investigation is complete for all intents and purposes. Thus, further custody of the applicant is not warranted. Accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Asir @ Asif Liyakat 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 remain present on each date,

unless exempted by the trial Court.

(iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-