



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1619 OF 2025

Ibrahim Dadabhai Shaikh

VERSUS

The State Of Maharashtra And Another

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- Ms. Gargee Gujare, Advocate h/f. Ms. S. G. Sonawane, Advocate for Applicant
- Mr. R. K. Ingole, APP for Respondent No. 1 - State
- Mr. Smita Kasture, Advocate (appointed) for Respondent No. 2 - Victim

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CORAM : MEHROZ K. PATHAN, J.

DATED : 28.01.2026

PER COURT :

1. Heard learned counsel for the applicant, the learned APP for the respondent-State as also learned appointed counsel for respondent No. 2 – victim.

2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0832 of 2025, dated 31.07.2025, registered with Rahuri Police Station, District Ahilyanagar, for the offences punishable under Sections 119(1), 189(2), 191(1), 190, 115(2), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(v-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The prosecution case, in brief, is that the informant is the victim aged about 17 years. On 31.07.2025 at about 11:00 a.m., at Rahuri, District Ahilyanagar, a group of persons including the applicant/accused Nos.1 to 7 were allegedly involved in a dispute with the victim's family. It is alleged that while the accused were constructing a wall near the victim's house, the victim's father objected claiming ownership of the land, whereupon the accused allegedly made caste-based remarks stating that the land did not belong to a Bhil and abused the victim and her family members using casteist slurs. It is further alleged that the applicant/accused No.2 Ibrahim grabbed the victim's hand and pulled her towards him, thereby outraging her modesty. It is also alleged that the victim's mother was assaulted when she attempted to intervene and that accused No.3 Dadabhai snatched a gold chain from her neck. After villagers gathered at the spot, the accused allegedly issued threats to kill and left the scene. Thereafter, the FIR came to be lodged.

4. Learned counsel for the applicant submits that due to previous enmity and property disputes between the parties, the applicant has been falsely implicated with exaggerated allegations. It is submitted that no incident of sexual assault or outraging of modesty has occurred. It is pointed out that a counter FIR bearing Crime No. 834 of 2025, arising out of the same incident, has been registered on the

complaint of Salman Lalabhai Shaikh, relative of the applicant. It is further submitted that several criminal cases are pending between the parties relating to Gut No. 205, and that the informant's family also has criminal antecedents. The applicant is willing to abide by any conditions imposed by this Court.

5. As against this, the learned APP as well as the learned appointed counsel strongly oppose the present application on the ground that the applicant is involved in a serious offence of outraging the modesty of a woman belonging to the SC/ST category. Though several disputes are pending between the complainant's family and the applicant's family, the same by itself cannot be a ground for granting bail, particularly when serious allegations are levelled against the applicant. The offence is punishable with imprisonment for life. Hence, the applicant does not deserve to be released on bail. It is further submitted that there is every likelihood that, if released on bail, the applicant may again disturb law and order in the vicinity, as both parties are already engaged in property disputes.

6. I have gone through the investigation papers made available by the learned APP. Perusal of the First Information Report reveals that the allegations of assault are against all the other accused persons, the present applicant is specifically alleged to have outraged the modesty of the complainant.

7. It further appears that several FIRs have been lodged between the Jadhav family and the applicant's family. Crime No. 1144 of 2023 has been registered at Rahuri Police Station on the complaint of Nanasaheb Jadhav. Crime No. 132 of 2022 has also been registered against Shivaji Jadhav under Section 353 of IPC at the instance of a family member of the applicant. Further, Crime No. 250 of 2023 has been registered at Rahuri Police Station against Nanasaheb Jadhav and Jaggu @ Jagannath Jadhav, wherein the complainant is the present applicant, Ibrahim Dadabhai Shaikh. Additionally, a counter FIR bearing Crime No. 834 of 2025, arising out of the same incident, has been lodged by Salman Shaikh, a relative of the applicant, against the complainant (father of the victim) and other accused persons, including accused No.4 therein.

8. Considering that there are longstanding disputes between the victim's family and the applicant's family, false implication and exaggeration of allegations against the present applicant cannot be ruled out. However, these observations are made only for the purpose of deciding the present application and shall not influence any other Court.. The apprehensions expressed by the learned APP and the learned appointed counsel can be sufficiently addressed by imposing stringent conditions. Hence, the following order :-

ORDER

- i. In the event of arrest of the applicant Ibrahim Dadabhai Shaikh, he shall be released on bail on furnishing a P.R. bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount, in connection with FIR No. 0832 of 2025, registered with Rahuri Police Station, District Ahilyanagar, for the offences punishable under Sections 119(1), 189(2), 191(1), 190, 115(2), 351(2), 352 of BNS, 2023, Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(v-a) of the SC/ST Act, 1989, and Section 8 of the POCSO Act, 2012, on the following conditions:-

- A)** The applicant shall attend the concerned police station and report to the Investigating Officer on 3rd, 4th, 10th, 11th, 17th and 18th February, 2026, between 12:00 noon and 2:00 p.m., and thereafter as and when called, till filing of the charge-sheet, if any.
- B)** The Applicant shall also cooperate with the investigation.
- C)** The applicant shall not enter Village Pimpri Valan, Taluka Rahuri, District Ahilyanagar, till filing of the charge-sheet.
- D)** The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- E)** The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with addresses and mobile numbers of two nearest relatives.

9. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution to seek cancellation of the bail granted herein above.

10. The observations made herein are prima facie and shall not influence the Trial Court or any other Court while deciding the case on its own merits.

11. Fees of the learned appointed counsel, Ms. Smita Kasture, representing Respondent No.2 – Victim, shall be paid as per the schedule of fees prescribed by the High Court Legal Aid Services Sub-Committee, Aurangabad, expeditiously.

12. In view of the above, the application stands disposed of.

13. Pending applications, if any, also stand disposed of.

(MEHROZ K. PATHAN, J.)