



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

BAIL APPLICATION NO.38 OF 2026

Imran s/o Khalil Shah,
Age: 35 years, Occ. Labour,
R/o. Beed Mamla, Mominpura,
Tq. & Dist. Beed

..Applicant

Versus

1. The State of Maharashtra,
Copy to be served on the Public
Prosecutor, High Court of
Bombay, Bench at Aurangabad.
(Through Peth Beed Police Station,
Dist. Beed)

2. XYZ

..Respondents

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Mr. N.S. Ghanekar, Advocate for the Applicant.

Mr. G.O. Wattamwar, APP for Respondent-State.

Ms. Anita V. Veer, Advocate for the Respondent No.2 (Appointed).

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 09, 2026.

FINAL ORDER:-

1. The applicant seeks bail in Crime No.193 of 2024 registered with Peth Police Station, Beed dated 21.07.2024 for offence punishable under Section 64(z)(t), 70(1)(2) of Bharatiya Nyaya Sanhita, 2023, Section 4, 5(g), 5(j)(1), 5(k), 6 of Protection Of Children From Sexual Offence Act, 2012, Section 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 92(d) of Rights of Persons with Disabilities Act, 2016.

2. The investigation was set in motion on the basis of information given by Hanuman Bhimrao Ugale, Police Constable, Police Station Peth, Beed. It is stated that on 18.07.2024, he was on duty. While he was patrolling, he received information from Mr. Kalidas Khawle, Police Constable that a mentally retarded girl is found near Yashwantrao Polytechnic College. When he reached on spot, Mr. Khawle was present. A large mob was gathered and a mentally retarded girl was seen sitting on grass. She informed that she has been brought there by unknown person under pretext that she will be provided food. Thereafter, he had sexual act with her. The information was forwarded to police station. The victim was taken to Jeewhala Center. Her statement was video-graphed. She repeated the story that she was brought in rickshaw by unknown person under pretext of providing food and then she was ravished.

3. On 20.07.2024, she was taken to Medical Officer, however, she refused medical examination. The investigation progressed. During course of investigation on 25.07.2024, applicant has been arrested. He was remanded to police custody. After filing charge sheet, applicant moved an application for bail in Special Case (Atrocity) (POCSO) No.154 of 2024. However, by order dated 19.12.2025, his application came to be rejected.

4. Mr. Ghanekar, learned advocate appearing for applicant submits that there is serious dispute as to identity of accused. The

identification parade is not conducted. The statement of Mr. Kalidas Khawle, Police Constable is basis for implicating applicant wherein disclosure is made that on date of incident, accused persons were caught hold and beaten by mob. Mr. Khawle is said to have identified applicant on the basis of CCTV footage at medical shop where applicant seen purchasing some pockets. *Prima facie*, aforesaid evidence does not inspire confidence. Firstly, if Mr. Khawle was present on spot, when alleged incident took place and Mr. Khawle rescued accused persons from mob, there is no explanation as to why in the FIR registered on the basis of information given by Mr. Khawle, there is no whisper about presence of accused persons at the spot. The FIR has been registered on 21.07.2024 whereas, statement of Mr. Khawale is recorded on 27.07.2024. Thus, basic genesis of prosecution's case on the point of identification of accused founded on weak evidence.

5. Although, large number of persons are said to have gathered on spot and caught hold accused persons, no statement of independent witness has been recorded or no attempts are made to cause identification of accused persons through independent witnesses. The applicant is behind bar since 25.07.2024. The trial is already commenced. The charge is framed on 10.03.2025, however, except examination of one witness on 16.10.2025, there is no further progress. The victim is summoned, however, her presence could not be secured till this date. The possibility of prolonging of trial without

fault of applicant cannot be ruled out. One of accused person namely Ashfiyan Khalil Momin is already released on bail by this Court vide order dated 01.10.2025 passed in Bail Application No.602 of 2025. This Court observed that victim's statement did not disclose name of any accused. The C.A. report is negative. The medical examination of accused persons is also silent. In this backdrop, case is made out to grant regular bail to applicant. Hence, following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Imran Khalil Shah, be released on bail in Crime No.193 of 2024 registered with Peth Police Station, Beed dated 21.07.2024 for offence punishable under Section 64(z)(t), 70(1)(2) of Bharatiya Nyaya Sanhita, 2023, Section 4, 5(g), 5(j)(1), 5(k), 6 of Protection Of Children From Sexual Offence Act, 2012, Section 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 92(d) of Rights of Persons with Disabilities Act, 2016 on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand only) on following conditions :
 - (a) The applicant shall not tamper with the prosecution evidence in any manner or pressurize witnesses.
 - (b) The applicant shall attend each and every effective date of hearing before Sessions Court.
- (iii) Bail Application is disposed of.

(iv) Remuneration of learned advocate appointed for respondent no.2 is fixed to Rs.10,000/-. The Secretary, High Court Legal Services Sub-Committee is requested to pay the same accordingly.

(S. G. CHAPALGAONKAR, J.)

Mujaheed//