



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 44 OF 2026

Sarfaroze Khan Naushad Khan

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Nandedkar Sahebrao G.

APP for Respondent/State : Mr. A.R. Kale

Advocate for Respondent No.2 : Ms. Suryawanshi Pratibha H.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 04, 2026

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.115/2025 registered with Sindkhed Police Station, Tq. Kinwat, Dist. Nanded for the offences punishable under Sections 64(1), 75(2), 75(3), 78, 79, 351(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023 and Section 67 of Information Technology Act, 2000.

2. The investigation was set in motion on the basis of information given by respondent no.2. In nutshell, it is alleged that she is a divorced lady and residing along with her parents and son since last two years. Prior to six years before her marriage, she came in contact with applicant. She had friendly relations with him. They had together snapped photographs. Thereafter, they went to Mahur and while passing through forest area, applicant had compelled her to establish physical relations. After her marriage, she was continuously threatened by applicant to disclose their relationship to her husband

and making photographs viral. Lastly, on 23.07.2025, while she was returning from her son's school, applicant stalked her with demand of sexual favour and also threatened her making photographs viral. On the basis of aforesaid information, crime has been registered.

3. The applicant came to be arrested on 28.07.2025. The investigation progressed and charge sheet has been filed. The applicant approached learned Sessions Court for grant of regular bail, however, his application came to be rejected vide order dated 04.12.2025. Hence, this application.

4. Mr. Nandedkar, learned advocate appearing for applicant would submit that it is a case of consensual sexual relationship since before marriage of informant. The alleged sexual act occurred six years prior to date of registration of offence. No offence can be made out against applicant. The applicant is behind bar since 28.07.2025. Hence, he may be released on bail.

5. Mr. Kale, learned APP and Ms. Suryawanshi, learned advocate appearing for respondent no.2, vehemently opposed the application. Ms. Suryawanshi submits that conduct of applicant is highly objectionable, he has committed offence as alleged. Mr. Kale, learned APP invites attention of this Court to statement of witnesses wherein conduct of applicant is surfaced and supports averments in FIR.

6. Having considered submissions advanced, it can be

observed that incident of forcible sex towards respondent no.2 by accused allegedly took six years prior to date of registration of offence. Thereafter, respondent no.2 had married with third person. After two years of matrimonial life, she divorced and started residing at parents house with son. The allegations in FIR that applicant was asking for sexual favour and stalking would attract offences punishable upto three years. The applicant is behind bar since 28.07.2025. Further detention of applicant would not be necessary. The interest of prosecution can be secured by imposing certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Sarfaroze Khan Naushad Khan, be released on bail in Crime No.115/2025 registered with Sindkhed Police Station, Tq. Kinwat, Dist. Nanded for the offences punishable under Sections 64(1), 75(2), 75(3), 78, 79, 351(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023 and Section 67 of Information Technology Act, 2000 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.

- (c) The applicant shall not enter Village Sarkharni, Tq. Kinwat,
Dist. Nanded till disposal of sessions case.
- (iii) Bail Application is disposed of.

(S. G. CHAPALGAONKAR, J.)