



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 93 OF 2026

SHAIKH AFSAR SHAIKH BABA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Sudhir K. Chavan
APP for Respondents-State : Mr. A. R. Kale
Advocate for Respondent No. 2 : Ms. Smita R. Kasture (Appointed)

CORAM : SACHIN S. DESHMUKH, J.

Date : 16th February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 02.10.2025 bearing Crime No. 692 of 2025 registered with Gangakhed Police Station, District Parbhani for the offences punishable under Sections 137(2), 64(1), 64(2), 64(m), 69 and 87 of the Bharatiya Nyaya Sanhita, 2023, Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii), 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The case of the prosecution is that on 30.09.2025 approximately at 14:00 hrs, the victim was abducted from the open space in front of Sant Janabai Mahavidyalaya, Gangakhed. The

victim, a Class 11 student, was residing at the Government Backward Class Girls' Hostel in Gautam Nagar for her education at the time of the incident. The complainant discovered the victim's disappearance on 01.10.2025 at 13:00 hrs during a scheduled visit. The hostel superintendent reported that the victim had left the premises on 30.09.2025 at 13:30 hrs, claiming she was unwell and intended to visit her mother. Following an unsuccessful search by relatives, a complaint was lodged at the Gangakhed Police Station.

3. During the course of investigation, the police machinery received secret information indicating the victim was in Patna, Bihar. Upon obtaining official permission to travel out of state, the police team located the victim on 08.11.2025. A spot panchnama was conducted, and the victim was brought to the Kotwali Police Station in Patna to record her statement. In the statement, the victim alleged that the accused Sheikh Afsar Sheikh Baba had abducted her to Patna under the false pretext of marriage. The victim further stated that the accused confined and subjected her to non-consensual sexual intercourse.

4. The learned counsel for the applicant submits that the the applicant is falsely implicated in the offence. The victim voluntarily left the hostel on 30.09.2025 and traveled a significant

distance to Patna, Bihar, without raising any alarm or seeking assistance from the public, which indicates her willing participation. The investigation is complete, the charge-sheet has been filed, and nothing further is to be recovered from the applicant. The arrest of the applicant is effected on 08.11.2025 and since then, is in jail. Further incarceration of the applicant is unjustified. As such, prayed that application may be allowed.

5. The learned APP vehemently opposed the application, submitting that the accused sexually exploited the victim under the false promise of marriage and committed an offence of serious nature. It is contended that the applicant's release on bail would create a significant risk of tampering with witnesses. Consequently, the APP prays for the application to be rejected.

6. Considering the submissions from both sides and perusing the record, including the charge-sheet, the primary consideration is given to the fact that the victim was missing from 30.09.2025 until traced on 08.11.2025. During this period of over five weeks, the victim traveled from Gangakhed (Maharashtra) to Patna (Bihar), a journey involving multiple public transport hubs, yet the record prima facie indicates no protest or attempt to seek help from the authorities or the public. This conduct, at a prima

facie stage, warrants a detailed trial to determine the element of absolute coercion versus a possible consensual elopement.

7. Furthermore, the investigation as it pertains to the custody of the accused is largely complete. The victim has been recovered, her statement under Section 164 of the CrPC/BNSS has been recorded, and the spot panchnama was concluded on 08.11.2025. Since the evidence is primarily documentary and based on the victim's testimony, there is no immediate risk of the accused tampering with the material evidence if released.

8. Keeping in view the peculiar facts and circumstances of the case, the applicant's deserves to be admitted to bail. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

9. The investigation is complete for all intent and purposes. Resultantly, the chargesheet is filed. Having regard to the number of the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the

case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favor of the applicant.

10. The High Court Legal Services Sub-Committee, Aurangabad, to pay the fees to the learned counsel appointed on behalf of respondent No. 2, as per rules.

11. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Shaikh Afsar Shaikh Baba be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 692 of 2025 registered with Gangakhed Police Station, District Parbhani for the offences punishable under Sections 137(2), 64(1), 64(2), 64(m), 69 and 87 of the Bharatiya Nyaya Sanhita, 2023, Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii), 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.

- (b) The applicant shall not enter in the vicinity of village Peth Pimpalgaon, Taluka Palam, District Parbhani, till conclusion of the trial.
 - (c) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.
- (IV) The Secretary, High Court Legal Services Sub-Committee, Aurangabad, to pay the fees to the learned counsel appointed for respondent No. 2, as per rules.

(SACHIN S. DESHMUKH, J.)

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