



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 314 OF 2026

ABID HUSSAIN SHAIKH JALIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. S. S. Jadhav

APP for Respondent/s-State : Mr. S. B. Narwade

Advocate for Respondent No. 2 : Shrimant Mundhe

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CORAM : SHAILESH P. BRAHME, J.

DATE : 04.05.2026

PER COURT :-

1. Heard both sides.
2. The applicant is seeking enlargement on bail in connection with Crime No. 231 of 2025, registered with Pimpalgaon (Hareshwar) Police Station, District Jalgaon, for the offences punishable under Sections 49, 50, 69, 74, 78 of Bhartiya Nyaya Sanhita, and under Sections 4, 8, 12, 17 of Protection of Children from Sexual Offences Act, 2012.
3. It is reported to the police by the father of the victim that she was 17.8 years old at the relevant time and taking education in Gurukul International School, Shendurni, Tq. Jamner, Dist. Jalgaon. Applicant was the driver of the school bus and had come in contact with the victim when she was

taking education in the 10th Standard. Applicant is alleged to have been indulging in indecent activities of making advances to the girls. A complaint was also made against him. He is alleged to have contacted victim for expressing that she was liked by him. Due to the overt act, the further education of the victim is stated to have been stopped. It is further alleged that on 19.08.2025, victim's uncle Yaswant Suresh Patil saw the victim and the applicant together and victim was being pulled by applicant. When applicant was questioned, he is alleged to have been fled away.

4. It transpired during the course of investigation, after recording statements of victims and various witnesses that there was sexual encounter between applicant and victim on 19.08.2025. The offence was registered on 19.08.2025. Applicant was arrested on the same day. Charge sheet was filed on 16.10.2025. In this backdrop, this Court is considering the application for regular bail.

5. Learned Counsel, Mr. Satej Jadhav, submits that the entire prosecution story is totally inconsistent. The statement of victim, her supplementary statement, statement under Section 183 and statements of other witnesses are not in tune with the F.I.R. My attention is adverted to all those statements

to buttress that victim is not reliable. There is no reason as to why she did not make timely complaint. The statement of the Chairman and the Headmistress of the school concerned belie the prosecution theory that the complaint was made against applicant to the School Authorities. The age of the victim at the relevant time was 17.8 years and the relationship was consensual. It is informed by the learned Counsel that victim is married.

6. Per contra, learned APP submits that the statements under Section 181 and 183 are consistent with the prosecution theory. Since inception, there was threat and coercion and therefore, victim could not dare to disclose to parents and the authorities. Its a serious offence because applicant was bus driver and committed breach of trust and additionally he was married. Medico Legal Report of the victim would indicate penetrative sexual assault. Presumption under Section 30 is attracted. For such a crime, life imprisonment is the maximum punishment.

7. Learned Counsel, Mr. Munde, appearing for respondent No. 2 submits that medical evidence is corroborative to the prosecution case. The spot inspection panchnama would support the episode of penetrative assault. The applicant is

likely to repeat the offence. He and his relatives are constantly contacting and threatening the victim and the witnesses.

8. It needs to be stated that at the relevant time, the victim was 17.08 years old. She was taking education in 10th standard at Gurukul International School, Shendurni, Tq. Jamner, Dist. Jalgaon. She had come in contact with the applicant who was bus driver. Victim's uncle Yaswant Suresh Patil saw the victim and the applicant together on 19.08.2025. He noticed scuffle between them. When he questioned, applicant stated to have fled away. The statement of the victim is consistent with the F.I.R to the extent of above overtact.

9. In the supplementary statement recorded on 21.08.2025, the next day, after recording statement of the victim, it was disclosed that on 19.08.2025. She was compelled to come with applicant on two wheeler she was taken to an agricultural field. she was ravished forcibly by extending false promises. Her statement under Section 183 is inconsistent with supplementary statement. It is incomprehensible as to why the incident of 19.08.2025 of having committed penetrative assault was not reported to the parents or the police.

10. The statement of the victim under Section 181 and 183 shows that for considerable period, the applicant was in touch with the informant and she was being provided a mobile handset also. There used to be meetings and conversation between them. She is trying to cover up all her voluntary acts by simply stating that she was being threatened. Even the incident of 19.08.2025 was concealed by her. Her version, prima facie, does not inspire confidence.

11. I have gone through the statement of Yaswant Suresh Patil, who stated that on 19.08.2025, he had seen victim and the applicant. The victim had opportunity to disclose the said witness about the episode of 19.08.2025. The incident of 19.08.2025, which is projected by the victim and the witnesses that it was forcible penetrative assault is suspicious. The victim had voluntarily gone with the applicant at the relevant time. The episode was consensual.

12. It further reveals that the statement of the Chairman and the Headmistress of the school do not corroborate the prosecution theory that the complaint against the applicant was being made in time but no cognizance was taken.

13. I have considered Medico Legal Certificate. It cannot be said to be forcible intercourse. It is possible to infer that there was old rupture of hymen. The purport of medical report can be gone into during the course of trial. Prima facie, there is no material to indicate that applicant being a married person lured the victim by false promises or coercion.

14. Applicant is behind the bars since 19.08.202. The victim is not residing at her parents place. Further incarceration is not required. Hence, I pass the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Mr. Abid Hussain Shaikh Jalil shall be released on bail in Crime No. 231 of 2025, registered with Pimpalgaon (Hareshwar) Police Station, District Jalgaon, for the offences punishable under Sections 49, 50, 69, 74, 78 of Bhartiya Nyaya Sanhita, and under Sections 4, 8, 12, 17 of Protection of Children from Sexual Offences Act, 2012 on furnishing P. R. bond of Rs. 50,000/- (Rupees Fifty thousands only) with one solvent surety of like amount on the following conditions :
 - (a) The applicant shall not tamper with the prosecution evidence and contact the prosecution witnesses.
 - (b) The applicant shall inform his whereabouts and contact numbers to the Investigating Officer.

- (c) The applicant shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.
 - (d) The applicant shall co-operate for expeditious disposal of the trial and attend the dates punctually.
 - (e) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.
- (iii) Bail application is disposed of accordingly.

(SHAILESH P. BRAHME, J.)

B. S. Joshi