

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
APPEAL NO.939 OF 2025**

Naushad Jamir ShaikhAppellant
Vs.
The State Of Maharashtra & Anr.Respondents

Adv. Muralidhar Kharat with Adv. Shahrukh Nadaf, for the Appellant.
Adv. Parswi H. Deodhar i/b Adv. Smita B. Shinde, for the
Respondent-No.2
Mr. Shrikant H. Yadav, APP for Respondent-State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 11th FEBRUARY 2026

PC.:-

1. The present Appeal is filed by the Appellant seeking release on bail in Crime No. 282 of 2025 registered with Vishrambag Police Station for the offences punishable under Sections 78, 35(2), 351(3), 3(5), 232(1) of the Bharatiya Nyaya Sanhita (BNS) and Sections 3(1)(w)(i), 3(1)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The victim, who belongs to the Scheduled Caste community, lodged the report. It is alleged that earlier the Applicant had kidnapped her and committed forcible sexual intercourse with her. In

that connection, an offence under Sections 363, 366, 376(2)(n), 504, 506, 323 of the IPC along with relevant provisions of the POCSO Act and the SC/ST Act was registered against him. The Applicant was released on bail in the said offence.

3. It is further alleged that after attaining majority, the victim performed marriage. On 9th August 2025 at about 9:30 a.m., she had come to her maternal house. At that time, she was inside the house along with her brother and the door was closed. Her parents were not present at home. The Applicant allegedly came there, kicked the door and shouted the victim's name loudly. The victim informed her mother about the incident. Her mother instructed her to immediately proceed to her matrimonial home. Accordingly, she along with her brother left for Jaisinghpur. The Applicant allegedly followed her from Sangli to Kolhapur and again Kolhapur to Sangli. Thereafter, the mother of the victim lodged the complaint, and the present crime came to be registered.

4. Learned counsel appearing for the Applicant submitted that the Applicant has been falsely implicated. It is contended that no offence was committed by the Applicant when the victim alighted at the

Sangli bus stand. According to the defence, the victim's parents were present there. The Applicant was also present along with his friend. When the Applicant proceeded towards the victim, her mother raised an alarm alleging that he was harassing her daughter. People gathered there, caught hold of the Applicant and assaulted him. Thereafter, the Applicant and his friend were taken to Sangli Police Station, where the police were informed about the incident, and the present crime was registered.

5. It is further submitted that the Applicant has not committed any offence and that he has been arrested only to harass him, though he was already on bail in the earlier case. It is contended that further custodial interrogation of the Applicant is not necessary. The Applicant is willing to abide by any conditions imposed by this Court. Hence, it is prayed that the Applicant be released on bail.

6. The learned counsel appearing for the Applicant has relied upon the judgment of the Hon'ble Apex Court¹.

7. The learned APP opposed the Application, submitting that the Applicant has committed the present offence while he was on bail in

1 (2023) 20 SCC 194

the earlier case. It is contended that the Applicant threatened the victim and thereby breached the conditions of bail. Therefore, it is prayed that the Application be rejected.

8. Heard the learned counsel for the Applicant and the learned APP for the State.

9. Upon perusal of the FIR, it appears that the Applicant was earlier arrested in connection with offences under the POCSO Act, and an offence under Section 376 of the IPC was also registered against him. The record indicates that after her marriage, the victim had come to her maternal home. It is alleged that the Applicant harassed her by following her from Sangli to Kolhapur and again from Kolhapur to Sangli. The Applicant is also alleged to have kicked the door of the victim's house and shouted her name, due to which the victim was frightened and informed her mother about the incident.

10. *Prima facie*, it appears that the Applicant has committed the present offence while he was on bail in the earlier case, thereby breaching the conditions of bail. Considering the nature of the

allegations and the seriousness of the offence, this Court is not inclined to grant bail. Hence, the Application stands **rejected**.

(MRS. VRUSHALI V. JOSHI, J.)