

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 159 OF 2026

Javed Gulab Shaikh
VERSUS
State of Maharashtra And Others

...
Mr. Sharad T. Bhosale a/w Ms. Sujata B. Lohar, Advocate for Applicant.

Mr. Anand S. Shalgaonkar APP for the Respondent-State.

Ms. Supriya Koregave, Advocate for Respondent No.3 through legal-aid.

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 26th MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 905 of 2025 dated 07.11.2025 registered with Barshi City Police Station, District Solapur for the offences punishable under Sections 65(2), 74, 75, 118(1), 115(2), 351(2), 351(3), 352, 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 4, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard.

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. There are material

inconsistencies in the statement of the informant and that of the material on record. There is inordinate delay in lodging the FIR. It is further submitted that on the date of first alleged incident, i.e. on 15.10.2025, the applicant was not present on the spot and was at his workplace. The co-accused are released on bail by the trial Court. The applicant has no criminal antecedents. Given that the investigation is complete, further detention of the applicant is not required. Hence, prayed to allow the application.

4. Per contra, learned APP and learned counsel for Respondent No.3 have opposed the application submitting that the offence is serious in nature. The applicant and other co-accused had threatened the informant, leading to the delayed disclosure of events, as such, the delay in lodging the FIR. Learned APP has further expressed an apprehension that if the applicant is released on may he may influence or threaten the victim as well as other witnesses.

5. Having heard the submissions from the respective sides and upon perusal of the record including charge-sheet *prima facie* indicates that the informant and the accused persons belong to the same family. There are no independent witnesses to the alleged

incident. Moreover, *prima facie* there are certain inconsistencies in the statement of the informant regarding the use of alleged weapon. Thus, there is possibility of false implication.

6. Given that the investigation is complete, and the charge-sheet is filed as well as the co-accused are already enlarged on bail by the trial Court, further custody of the applicant may amount to pre-trial detention which is neither nor justified.

7. Apart from the aforesaid aspects, having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. In this view of the matter, further incarceration of the applicant would be unjustified. As far as the apprehension expressed by the learned A.P.P. in relation to tampering prosecution witnesses is concerned, the same can be adequately taken care of by imposing stringent conditions. Hence, the order :-

ORDER

I. The bail application is allowed.

II. Applicant - Javed Gulab Shaikh be released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in

connection with C.R. No. 905 of 2025 dated 07.11.2025 registered with Barshi City Police Station, District Solapur for the offences punishable under Sections 65(2), 74, 75, 118(1), 115(2), 351(2), 351(3), 352, 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 4, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012, on the following conditions :-

(a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The applicant shall not enter the jurisdiction of concerned Police Station till conclusion of trial except attending the dates before the concerned Court.

(c) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

(d) The applicants shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address, where they are likely to reside as well as their own phone numbers and that of their two near relatives.

(e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to approach the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.

- III. 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.
- IV. Learned counsel appointed to represent no.3 through legal-aid be paid professional fees as per Rules.

[SACHIN S. DESHMUKH, J.]