Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3440 OF 2026

Mohammad Javed Hafiz Shaikh .. Applicant

Versus

The State of Maharashtra & Anr. .. Respondents

.....

- Mr. Shubham Gharbudave a/w Mr. Nagraj Tarade & Ms. Snehal Sapkale, Advocates for Applicant
- Mr. Amit K. Munde, APP for State
- Ms. Saili Dhuru, Advocate (appointed) for Respondent No. 2
- Mr. Ramesh Shelar, PSI, Kondhwa Police Station, Pune

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 9, 2026

P. C.:

1. Heard Mr. Gharbudave, learned Advocate for Applicant; Mr. Munde, learned APP for State and Ms. Dhuru, learned Advocate (appointed) for Respondent No. 2.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular Bail in connection with C.R. No. 74/2026 dated 03.02.2026 registered with Kondhwa Police Station for the offences punishable under Sections 64(2)(f), 77, 351(3) and 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**") and Section 66(E) of the Information Technology Act, 2000.

3. Applicant before me is arraigned as accused No. 2 in the present crime. The prosecution case stems from the complaint lodged on 03.02.2026 by the victim alleging a series of episodes of assault which are stated in the said statement. I have perused the same. Applicant is the younger brother of accused No. 1 who is the husband of the Complainant. Accused No. 1 has been enlarged on bail. Applicant is a young person of 26 years of age. Serious allegations of having physical intercourse and other serious allegations have been leveled against the Applicant. It is also stated in the prosecution complaint that video recording had been done of the alleged acts. However, the same is nothing but a mere bald allegation without any substantiation whatsoever and the prosecution has also not been able to show any incriminating material to that extent.

4. There is precursor incident incidentally whereby there is a non-cognizable complaint lodged against the Complainant and her family members for assaulting the accused No. 1 who is the husband of the Complainant. Threats have been exchanged by the parties. There is *prima facie* material to show that the accused No. 1 i.e. husband of the Complainant has been repeatedly assaulted by the Complainant and her family members and there is *prima facie* proof of the same in the form of videos recorded by the Applicant. Hence the grudge against the Applicant is evident. Save and except the statement of the

Complainant, there is no other material whatsoever neither the medico-legal examination report supports the case of the prosecution in any respect whatsoever in order to indict the Applicant before me.

5. The manner in which the FIR has been worded cannot be accepted at face value, primarily because the allegations are extremely wild, serious and if they are to be sustained, there has to be some element of proof of some facts and details to be brought to the notice of the Court. That being absent, I am inclined to accept the case of the Applicant for grant of bail. Hence, the Applicant is released on bail on the following terms and conditions:-

(i) Applicant is directed to be immediately released on bail from prison in connection with C.R. No. 74 of 2026;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month on the first Sunday of the month between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically

exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact No. and / or change of residence or mobile details, if any, from time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

6. Needless to state that the above observations will not come in the way of trial as they are *prima facie* in nature based on the submissions made and the material placed before this Court.

7. This Court appreciates the assistance rendered by Ms. Dhuru, learned Advocate appointed through the Legal Aid to espouse the cause of Respondent No. 2. Her fees be paid by the High Court Legal Aid Services Authority as per rules on production of a server copy of this order and other compliances in accordance with the decision of this Court in the case of ***Sanjyot Nitin Telharkar v. The State of***

Maharashtra & Anr.[1] and the Schedule under Regulation 18(1) of the Maharashtra State Legal Services Authority Rules, 1998.

8. Bail Application is allowed and disposed of in the above terms.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR

Digitally signed by RAVINDRA MOHAN AMBERKAR
Date: 2026.10.09 21:06:20 +0530

1 Judgment dated 25.09.2024 passed in Misc. Civil Application No. 134 of 2024