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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4342 OF 2025

Wasim@ Gaus Mohammad Shaikh

...Applicant

VERSUS

The State Of Maharashtra

...Respondent

Ms. Sonali R. Chavan, Advocate for Applicant.

Mr. S.R. Agarkar, APP for Respondent-State.

Ms. Janaki Patil, Advocate for Respondent No.2.

API Nilesh Nalawade, Kalewadi Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th May, 2026.

P.C. :

1. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for Respondent No.2.

2. By this application, the Applicant is seeking regular bail in Crime No. 262/2025 registered with Kalewadi Police Station, Pune for the offence punishable under Sections 64(2) (m), 78, 125, 351(2), 352 of the Bhartiya Nyaya Sanhita, 2024 and under Sections 4,6,8,12 of the Protection of Children from Sexual Offences Act, 2012.

3. It is prosecution's case that during period from the year 2023 to 02/06/2025, Applicant sexually assaulted the first informant by threatening her.

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4. It is contention of learned counsel for the Applicant that there was love affair between applicant and first informant. At the time of incident, the first informant was more than 16 years' old. The Applicant is behind bars around 10 months. He has no antecedents and requested to allow the application. Learned counsel for the Applicant further submits that the Applicant has filed undertaking stating that he will not contact the victim and he will not enter in jurisdiction where victim resides. Hence, requested to allow the application.

5. It is contention of learned APP along with learned counsel for Respondent No.2 that applicant sexually assaulted the victim by threatening her. If he released on bail, he may abscond or threaten the victim and prosecution witnesses and requested to reject the Application.

6. I have heard all learned counsel. Perused charge-sheet and documents produced on record.

7. At the time of incident, victim was more than 16 years' old. There is delay in lodging the complaint. At the time of incident, applicant was 19 years' old. Applicant is behind bars around 10 months. It may take time to conclude the trial. The Applicant has filed undertaking stating that he will not contact the victim and he will not enter in jurisdiction where victim resides.

8. Considering these facts, I pass following order:

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ORDER

- (i) The Applicant- Wasim@ Gaus Mohammad Shaikh be released on bail in Crime No. 262/2025 registered with Kalewadi Police Station, Pune, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iii) The Applicant shall not contact the victim and not to enter in the jurisdiction where victim resides. If this condition is violated, his bail will be canceled.
- (iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)