

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.1423/2025

(Shaikh Asif @ Shaikh Asshu Shaikh Javed Vs. State of Maharashtra & anr.)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. N.A. Waghmare, Advocate for applicant.
 Mr. A.R. Chutke, APP for non-applicant No.1/State.
 Mr. Y. P. Bhage, Advocate for non-applicant No.2.

CORAM: M. M. NERLIKAR, J.

DATED : 30/01/2026.

Heard.

2. By the present application, the applicant is seeking bail in connection with Crime No.307/2025 registered with Police Station Police Akot Fail, Tq. and Dist. Akola for the offence punishable under Sections 137(2), 64, 64(2)(f), 64(2)(l), 64(2)(m), 65 of the Bhartiya Nyaya Sanhita, Sections 3, 4, 5(n), 5(l), 8, 9(l) of the Protection of Children from Sexual Offences Act, 2012.

3. The informant lodged First Information Report alleging that on 14.06.2025, at about 06:00 p.m., the informant and her husband along with her children to her parents' house at Purpidit colony, Akola. The victim was alone at the house. When they returned back to the home at about 6:30 P.M., they did not find victim at house and

therefore, they started searching. On the next day, in the evening at 5:00 p.m., her elder sister-in-law came to her house for inquiry about victim, at that time, sister-in-law received a phone call from applicant (her son). He informed that he is at Gaigaon and the victim is with him. Therefore, they all went to Gaigaon at about 8:00 p.m., where they found both victim and accused in a hut situated near railway track. They brought victim back with them. The victim was frightened & thus she did not tell her anything. On 16.06.2015 at about 4:00 p.m. her daughter started bleeding and having stomach pain. Therefore, the informant took her for treatment to the doctor and after checkup, doctor informed that the victim recently had sexual relations. She because of which was getting stomach pain. After inquiry, victim stated that in her absence Sk. Asif came to their house. He forcefully took her on his Motorcycle in one hut near Gaigaon road and committed forceful sexual relations with her without her consent. Therefore, the informant lodged report.

4. The learned counsel for the applicant submits that the applicant is of 22 years of age and the victim is around 14 years of age. He further submits that there was love

affair between the victim and the present applicant. They are near relatives of each other and close relations are developed between them. He submits that as their relationship was not liked by her parents, the FIR was registered by the mother of the victim. He has invited my attention to the statement of the victim wherein she narrated the story that on the day of incident that is on 14.06.2025, when there was no one in the house, the present applicant came to the house and she was taken on his motorcycle. They roamed here and there. The applicant consumed liquor and thereafter, he has taken her to an isolated place and committed the sexual intercourse with her without her consent. The learned counsel has also invited my attention to the chat between the present applicant and the victim wherein the victim has referred to him as “husbandji”. He further submits that the applicant is in Jail since from 17.06.2025, now the investigation is over, charge sheet is filed and considering the age of the applicant, he may be granted bail.

5. On the other hand, the learned APP vehemently opposes the application and submits that the victim was just around 14 years of age at the time of incident. He

further submits that the victim has specifically disclosed that the present applicant has forcefully taken her on his motorcycle at isolated place without her consent and in drunken condition has committed rape on her. He further submits that there is sufficient material against the applicant. Merely filing charge sheet itself is not sufficient. Considering the gravity of the offence as the offence is against minor, therefore, he prays to reject the application.

6. The learned counsel appearing for the non-applicant No.2 submits that the non-applicant No.2 has no objection to grant bail to the present applicant.

7. I have heard both the parties. Admittedly, the victim is around 14 years of age, it appears from the record that the present applicant and the victim were having love affair. On the day of incident, it is alleged that the victim was taken by the present applicant on his motorcycle forcefully. However, she has not made hue and cry. It further appears that the applicant and victim was having affair. It further appears that the applicant is a close relative of the victim. Considering the fact that the non-applicant No.2 has granted no objection to release the

present applicant on bail and investigation is over and charge-sheet is filed, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Shaikh Asif @ Shaikh Asshu Shaikh Javed be released on bail in connection with Crime No.307/2025 registered with Police Station Police Akot Fail, Tq. and Dist. Akola for the offence punishable under Sections 137(2), 64, 64(2)(f), 64(2)(l), 64(2)(m), 65 of the Bhartiya Nyaya Sanhita, Sections 3, 4, 5(n), 5(l), 8, 9(l) of the Protection of Children from Sexual Offences Act, 2012 on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.
- (iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (iv) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.
- (v) The applicant/accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates or fails to comply with the aforesaid conditions, his default would entails the State to ask for

cancellation of bail.

(vi) The applicant/accused shall not enter within the territorial jurisdiction of Police Station Akot Fail, Tq. and Dist. Akola

(M. M. NERLIKAR, J.)

Gohane