

ORDER BELOW EXH.13 IN
SPECIAL CASE NO.196 OF 2025
(CNR No.:- *MHSN010025802025*)
(The State of Maharashtra Vs. Naushad Jamir Shaikh)

Applicant/accused No.1 Naushad Jamir Shaikh filed present application for bail. The applicant/accused is arrested on 11.08.2025 in Crime No.282/2025 registered at Vishrambag Police Station for offences punishable under Sections 78, 351(2), 351(3) 232(1) r/w 3(5) of the B.N.S.,2023 and under Sections 3(1)(w)(i), 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Perused the application, reply filed by prosecution, by original complainant and charge-sheet.

3. Prosecution case in short is that, on the report of victim aged 20 years as per FIR dated 09.08.2025, earlier Crime No.2/2024 is registered against present accused Naushad Shaikh at Sanjaynagar Police Station for offences under Section 363, 366, 376(2)(n), 504, 506, 323 of the Indian Penal Code, under Sections 4, 5(l), 6, 10 and 12 of the POCSO Act and under the provisions of S.C.S.T. Act in relation to said victim and he was released on bail in said crime. It is alleged that now the victim is married. On 08.08.2025 she came to her parents house for Rakshabandhan. On 09.08.2025 at about 09.30 a.m. her parents went away for work and she and her brother were in the house. At about 10.00 a.m. present accused Naushad came there and gave kicks on the closed door of her house and when she saw from the window, said accused asked her to come out and withdraw above said case and threatened to see her and her family members if she did not withdraw

the case. At that time, only brother of the victim was present in the house. Her mother returned to house after making phone call by the victim and by that time, said accused Naushad left that place. It is further alleged that thereafter her parents decided to sent her to her matrimonial house and to see that accused Naushad will not get its knowledge, they further decided that the victim shall board in S.T. Bus at Jaysingpur and then she should go to Kolhapur and then to her matrimonial house. Accordingly, the victim and her brother were left at Jaysingpur bus stand by her father and they sat in bus. The victim saw the accused was there on a motorcyle with his friend. Then she found that accused Naushad and one person, were following them on motorcycle till Kolhapur and again to Sangli. When the victim returned to Sangli by S.T. Bus as per directions on the phone call by her parents, present accused Naushad and other accused also came there. Then mother of victim shouted and people caught Naushad and other accused and took them in the police station. Victim lodged report in the police station and above said crime came to be registered.

4. Ld. Advocate for the accused argued that, the charge-sheet does not have any document about the house where first incident alleged to have occurred. Statements of neighbours or independent witnesses are not recorded in relation to said incident. The FIR does not disclosed that the accused made any contact or stated anything to the victim at the time of her alleged going to Kolhapur from Jaysingpur by S.T. Bus and then returning to Sangli bus stand by S.T Bus. The statement of witnesses is not consistent as to who made phone call from the S.T. Bus to the mother of the victim.

He argued that though mobile phone of the accused is seized, mobile of victim or her brother is not seized. According to him the accused has not committed any crime as alleged and only to see that bail granted to the accused in earlier crime shall be cancelled, false case is initiated by the victim and her relatives. He argued that the accused is ready to abide conditions of bail and he will face the trial. He is local resident.

5. Ld. APP argued that the accused has initially committed serious crime against the victim when she was minor and in that respect earlier crime was registered and the accused was released on bail in that case. Now the victim is married but still the accused is threatening her to withdraw earlier case and following her. The accused is caught by people at Sangli bus stop and it supports allegations in the FIR. Therefore, it is argued that the accused will repeat the crime and will threaten the victim again, in case he is released on bail.

6. Considered facts of the case and rival arguments. The accused is also accused in earlier crime No.02/2024 registered against him for kidnapping and for rape etc. against said victim, when she was minor. Now she is married. The accused is released on bail in earlier crime. The accused is caught by people at Sangli bus stand, and he was taken to police station. No explanation is give by the accused as to why he went to S.T. Bus stand on that day. Thus, there is corroboration by statements of other independent witnesses about above said incident at S. T. bus stand and therefore prima-facie the allegations in the FIR that the accused followed the victim when she was traveling in S.T. Bus, needs to be accepted. It is alleged that the

accused is threatening the victim to withdraw earlier case. Therefore, there is substance in the argument of Ld. APP that the accused will repeat similar crime in case he is released on bail. Considering such available record, prima-facie argument Ld. Advocate for accused cannot be accepted that the accused is falsely implicated in this case by victim and her parents so that his bail in earlier crime be canceled.

7. Considering all above said facts of the case, it is not just and legal to grant bail to the accused at least till evidence of the victim is recorded in the case registered in relation to Crime No.2/2024 of Sanjaynagar Police Station. Therefore, following order is passed.

ORDER

Application is rejected.

Sangli.

Date : 17.10.2025

(V.D.Nimbalkar)

Additional Sessions Judge, Sangli

CERTIFICATE

I affirm that, the contents of this P.D.F file order are same, word to word, as per the original order.

Name of Stenographer:	J. R. More
Court -	Additional Sessions Judge, Sangli
Date-	17.10.2025
Order signed by the Presiding Officer on -	17.10.2025
Order uploaded on -	17.10.2025