

MHAK010009192026



CRIMINAL APPLICATION (BA)

NO. 148/2026.

(MOHAMMAD SHAKIL SHAIKH
BABU)

ORDER BELOW EX.01.

(Dated : 11.03.2026)

Applicant Mohammad Shakil Shaikh Babu has sought bail under S.483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with crime no. 140/2026 registered with City Kotwali police station, Akola, Tq. Akola, Dist. Akola for the offence punishable under Sections 296, 351(2), 63, 63(a), 64(1), 69, 88 of Bharatiya Nyaya Sanhita, 2023.

2) Brief facts of the prosecution case are as under ;

On 10.02.2026, informant lodged FIR. She is 32 years old widow. In 2020, she got acquainted with accused Shoeb Ali in the Government Hospital as her mother and relative of accused were admitted there for treatment of Corona element. Accused Shoeb obtained cell phone number and started conversation with informant. He expressed his love. Informant accepted his marriage proposal. In 2021, Shoeb took informant to Mumbai and had forcible sexual intercourse in one hotel. On 21.12.2022 again accused took informant to Mumbai under the pretext of meeting his maternal aunt. However, he took her in the same hotel and had sexual intercourse with her on multiple occasions. He captured photographs and video clips of the informant in compromising position. Thereafter Shoeb had frequent sexual relations with the informant.

3) As Shoeb was avoiding topic of marriage informant met accused Mohammad Shakil @ Saddam, who is Shoeb's maternal uncle. She met Shoeb's mother Shehnazbi. Both abused her and threatened to beat her. In July 2024, informant discovered her pregnancy. Thereafter Shoeb, Shehnazbi and Shakil took her to the hospital of Dr. Masane and carried abortion. Thereafter again Shoeb had casual relations with informant. From time to time, he obtained Rs. 2 Lakhs from her as handloan. On 25.10.2025, Shoeb and informant met near Salasar Hanuman Temple, Akola. Shoeb refused to marry her. He did not pick up her phone call, so informant made a call to his maternal aunt. She told that Shoeb would not marry her as she is Hindu. She further told that Shoeb would marry her, if she would convert to Islam and pay Rs. 2 Lakhs towards marriage expenses. FIR was registered. Accused was arrested on 23.02.2026. Since then, he is in custody.

4) State has opposed bail application on various grounds.

5) Learned advocate Shri N. P. Birpol for the applicant has submitted that role of present applicant is one talk with informant and thereafter in the abortion which took place in 2024. FIR is registered after almost 6 years. It is after thought theory. Accused is falsely implicated. He is arrested on 23.02.2026. Custodial interrogation is conducted. Investigation is practically complete. Applicant is local resident. He is ready to abide by conditions of bail.

6) Learned A.P.P. Shri. R.M. Akotkar has submitted that the offence is serious in nature. Accused has role in abortion. There is threat of conversion. Remaining accused are to be arrested. Investigation is in progress. If accused is granted bail, there is likelihood of tampering and absconding. He has strongly opposed the application.

7) Informant has appeared in the matter. She has strongly objected for granting bail to the applicant. It is submitted that, there is apprehension of harassment, if bail is granted. Three more accused are yet to be arrested.

8) On minute perusal of FIR it appears that, a widow look to main accused Shoeb as a man in her life for protection and stability. However, he under the promise of marriage and garb of love, sexually and economically exploited her. For deciding this bail application, what is material is role of present applicant. He is maternal uncle of the main accused. His role is in two incidents. First one is without details like time and date. In this incident, informant met this applicant and his sister with expectation of some amicable settlement regarding marriage. But she was abused and threatened. In second incident of July 2024, all three accused caused medical termination of pregnancy of the informant. It is pertinent to note that after first incident, ties between informant and main accused resumed. So also, after abortion incident, their normal ties resumed and informant paid Rs. 2 Lakhs to him from time to time. It appears that time and again informant and Shoeb were with each other. For abortion main responsibility lies with accused Shoeb.

9) Accused Shakil is arrested on 23.02.2026. Police directly sought his MCR. It means his custody was not required for investigation. Custodial interrogation is over. Investigation is substantially complete. Considering facts of the matter no purpose will be served by keeping the accused in custody. This is fit case to grant bail to the accused. Hence, following order.

Order

- (i) Application is allowed.
- (ii) Applicant Mohammad Shakil Shaikh Babu shall be released on bail in crime no. 140/2026 registered with City Kotwali police station, Akola, Tq. Akola, Dist. Akola for the offence punishable under Sections 296, 351(2), 63, 63(a), 64(1), 69, 88 of Bharatiya Nyaya Sanhita, 2023, on his executing PR Bond of ₹50,000/- (Rupees Fifty Thousand only) with one surety in the like amount.
- (iii) Applicant shall attend the concerned police station on every Saturday between 03.00 p.m. to 04.00 p.m. for three months from his release and as and when required by the Investigation Officer and co-operate in the investigation.
- (iv) Applicant shall not directly or indirectly make any inducement, threat and promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any Police Officer.
- (vi) Bail before lower Court/Court where charge-sheet is pending.

Date:- 11.03.2026.

[A. D. Kshirsagar]
Additional Sessions Judge,
Akola.