



ORDER BELOW EXH. 12
(Passed on 18.09.2025)

1. Present application is filed by Shahanawaj Momin Malik, under Section 439 of Code of Criminal Procedure seeking relief of bail in connection with Crime No. 91/2025, registered with Aheri Police Station for the offence punishable under Sections 64(1), 64(2)(m) & 351(2)(3) of the Bharatiya Nyaya Sanhita, 2023, Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012, and Section 66(C) & 66(E) of the Information Technology Act.
2. The application is resisted by I.O. by filing his say through learned S.P.P. at Exh. 13 and resisted the bail application. Victim has also filed her say at Exh. 14 through Ld. A.P.P. and given consent to release the applicant on bail.
3. Heard Ld. Advocate Shri. S.V. Jainwar for applicant/accused and learned S.P.P. Shri. N.M. Bhandekar for State.
4. Learned Advocate for applicant submitted that, informant is major. From the reading of FIR itself it appears that whatever relationship was between informant and present applicant was in consensual in nature. He further submitted that, the some of the facts though all not correct, narrated in FIR

itself sufficient to show that the relationship between applicant and informant was consensual in nature. He further submits that, there is considerable delay in lodging F.I.R. from alleged first incidence and even after alleged last incidence. He further submits that, applicant is residing at Aminabad, State Uttarpradesh and victim at Aheri. He further submits that, applicant will not contact victim by any means, if released on bail. He further submits that, material investigation is already completed and charge-sheet is filed. He further submits that in examination-in-chief victim herself denied any sexual assault by applicant and also, uploading any video by him. He further submits that no purpose will be served by further detention of present applicant, behind bar. He prayed for bail.

5. Ld. S.P.P. submitted that, considering hostility of victim, appropriate order may be passed.
6. Perused the bail application and FIR. From the bare reading of FIR and statement of informant and the fact that victim did not support the case of prosecution in examination-in-chief shows that, prima facie, whatever relationship was between applicant and informant was consensual in nature. Apart from that, victim herself appeared before court and filed her say and requested to release the

accused on bail. Reasons stated in say of Investigating Officer are not sufficient to reject the bail application. There is no need of further detention of present applicant for further investigation. Therefore, I am of the view that, present applicant/accused is entitled for bail. The fear of prosecution and informant can be taken care by imposing certain conditions. Hence, in result, I proceed to pass following order :-

: ORDER :

1. The application Exh. 12 is allowed.
2. The applicant/accused Shahanawaj Momin Malik in Crime No. 91/2025, registered with Aheri Police Station for the offence punishable under Sections 64(1), 64(2)(m) & 351(2)(3) of the Bharatiya Nyaya Sanhita, 2023, Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012, and Section 66(C) & 66(E) of the Information Technology Act, be released on bail on his executing P.R. bond of Rs. 30,000/- (In words Rupees Thirty Thousand only) with surety in the like amount on conditions that :-
 - a. The applicant/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from

disclosing such facts to the Court or to any Police Officer and not to pressurize any prosecution witness.

- b. The applicant/accused shall provide two copies of his permanent address proof.
- c. The applicant/accused shall not contact victim by any means.
- d. The applicant/accused shall not leave India without permission of the Court.

Aheri.
Date – 18/09/2025.

(Prakash R. Kadam)
Special Judge (POCSO Act),
Aheri.

CERTIFICATE

I certify that this order P.D.F. uploaded is a true and correct copy of original signed order.

Name of Court : Special Judge (POCSO Act), Aheri.

Name of Steno (Gr.-1) : Shri. R.B. Chandekar