

MHJN010005452026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-03,
JALNA

Cri. Bail Appln. No. 164/2026

Aaref Shaikh Muktar

Versus

The State of Maharashtra

ORDER BELOW EXH.01

Whether applicant is entitled to be released on anticipatory bail in terms of Sec. 482 of the BNSS, 2023 is the only short point involved in the bail application filed by the applicant.

02. Ld. APP and the complainant were directed to file reply. Accordingly, detailed reply is filed by the Ld. APP Smt. V.L. Mukim at Exh. 8 whereas reply is filed by complainant at Exh. 11, perused the same.

03. FIR is registered against the applicant in Kadim Jalna Police Station U/Sec. 363, 366(a), 376, 376(2)(n) of the IPC and Section 4, 6, 8 and 12 of the POCSO Act. The brief contents of the FIR lodged by mother of the victim are as follows;

04. Complainant is residing with her two daughters and one son. Victim is younger daughter of the complainant. On 01.04.2024, complainant did not find the victim in her house therefore she informed her husband. Both of them took search of victim with their relatives as well as in nearby vicinity but the victim was not found. Hence, mother of the victim lodged complaint in the police station.

05. Heard, Ld. Advocate for accused Shri. Imran Pathan as well as Ld. I/c DGP Shri. B.V. Ingle as well as Ld. Advocate for complainant Shri. Sayyad Mujib.

06. It is contended by Ld. Advocate for applicant Shri. Imran Pathan that, the complaint does not disclose name of the accused. Statement of the victim is recorded on 08.04.2024. Her supplementary statement is recorded on 09.04.2024. In her statement she has informed the name of one Sachin Wahulkar who performed sexual intercourse with her. Complaint has also narrated name of Sachin Wahulkar and stated that he established physical relations with the victim by promising to marry with her.

07. On 10th October, 2024 victim has again given supplementary statement and for the first time in her statement, the name of applicant/accused has appeared.

08. It is contended that, the applicant is innocent. He has not committed any offence. The name of the applicant is taken by the victim only to save Sachin Wahulkar against whom the allegations are made.

09. It is further contend that, victim has stated that, in fact there is no person having name Sachin Wahulkar. However, on careful perusal of the call detail record, mobile number of the said Sachin Wahulkar is clearly seen. Therefore, the involvement of the applicant in the crime is very much doubtful.

10. It is contended that, applicant is permanent resident of Jalna. He is ready to follow the conditions for bail. The investigation is complete and charge-sheet is

already filed by Kadim Jalna Police Station. Therefore, if accused is arrested and sent to jail, he will suffer irreparable loss to his reputation.

11. Applicant has undergone back surgery and he is advised to take rest by the Doctors.

12. Application is strongly opposed by Ld. APP contending that, the age of the victim at the time of offence was 15 years 05 months. As per the case of the prosecution, repeatedly rape is committed on the victim under the false promise of marriage. The involvement of the applicant is prima-facie made out. Investigation is progress. The offences committed by applicant under POCSO Act are serious and presumption of culpable mental state of the accused has to be raised U/Sec. Sec. 29 and 30 of the POCSO Act. Therefore, it is prayed that application be rejected.

13. Complainant has filed her short reply at Exh. 11 and stated that, she as well as victim has no objection to grant anticipatory bail to the applicant.

14. It is important to note that, the victim has changed her statement before the police. Initially, she took the name of Sachin Wahulkar and thereafter stated that no such person exist.

15. However call detail record of her mobile phone reveles that, she was in contact with one Sachin Wahulkar which shows that, the said Sachin Wahulkar is involved in the crime. The investigation of the offence is complete and charge-sheet is already filed. The contention of the

applicant that, he was admitted in hospital and taking treatment is also corroborated in the charge-sheet for not arresting the accused.

16. Victim and her mother now have no objection to release the applicant on anticipatory bail. Therefore involvement of the applicant in the crime itself is doubtful. In such situation, if accused is arrested and detained in custody it will cause irreparable loss to his reputation as well as liberty. Therefore, I am of the considered opinion that, applicant is entitled to be released on anticipatory bail. Hence, I proceed to pass the following order ;

ORDER

- 1] The application below Exh.01 in Cri.Bail Appln. No. 164/2026 is hereby allowed.
- 2] In the event of arrest of the applicant/accused Aaref Shaikh Muktar, in Crime No.122/2024, registered with Kadim Jalna Police Station, he be released on P.B. and S.B. of Rs.25,000/-(Rupees Twenty-five Thousand only) with one or two sureties in the like amount, on the following conditions:-
 - a) The applicant/accused shall appear before at Police Station Kadim Jalna, on alternate Saturday of every month between 01.00 p.m. to 04.00 p.m. till filing of charge-sheet.
 - b) The applicant/accused shall not tamper with the evidence.
 - c) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade them from disclosing such facts to the Court or the police officer.

- d) The applicant/accused shall not leave the jurisdiction of Jalna district, without prior intimation to the Investigating Officer, till filing of the charge-sheet.
- e) Breach of any condition will amount to cancellation of anticipatory bail forthwith.

3] Application disposed off accordingly.

(Krupesh V. More)
Addl. Sessions Judge-03,
Jalna.

Date : 04/04/2026

Certificate

I affirm that, the content of this PDF file are word to word as per the original order.

Name of the Stenographer : J.G. Mitkari

Name of Court : Addl. Sessions Judge, Jalna.

Sd/-
Stenographer