

MHLA070001232026



ORDER BELOW EXH.1

<u>Criminal Bail Application No.37/2026.</u>	
Ashfaq Karim Shaikh Age 20 yrs, Occu : Labour R/o.Musa Nagar, Udgir Dist.Latur	Applicant

Versus

The State of Maharashtra. Police Station Deoni.	Opponent
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REGULAR BAIL APPLICATION UNDER S.483 OF B.N.S.S.

<u>Appearances</u>	
For applicant	Advocate Shri.Abdulkarim S.Sayyad
For State	APP Shri.S.M.Girwalkar

A)	Case details :	
1.	FIR number and date	44/2026 Dt.25.02.2026
2.	Police Station, District, State	Police Station Deoni, District Latur, State Maharashtra
3.	Sections invoked	Section 137(2), 74, 78(2) r/w 3(5) OF B.N.S and Section 8 and 12 of POCSO Act.
4.	Maximum punishment prescribed	Imprisonment for 07 years.
B)	Custody and procedural compliance :	
1.	Date of Arrest	26.02.2026
2.	Total period of custody undergone	01 Month 08 days.
C)	Status of trial :	
1.	State of proceeding	Investigation.
2.	Total number of witnesses	N.A.

	cited in the charge-sheet.	
3.	Number of prosecution witnesses examined	N.A.
D)	Criminal antecedents :	
1.	FIR and Police Station	N.A.
2.	Sections	N.A.
3.	Status	N.A.
E)	Previous bail applications :	
1.	Court	N.A.
2.	Case number	N.A.
3.	Outcome of case	N.A.
F)	Coercive processes :	
1.	Whether any non-bailable warrant was issued	N.A.
2.	Whether declared a proclaimed offender	N.A.

ORDER BELOW EXH.1

(Passed on this 04.04.2026)

This bail application is filed by the applicant/accused, namely Ashfaq Karim Shaikh, under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023, in connection with Crime No.44/2026, registered at Police Station Deoni, District Latur, under Sections 137(2), 74, 78(2) r/w 3(5) of Bhartiya Nyaya Sanhita and under Sections 8 & 12 of Protection of Children from Sexual Offences Act.

2) The applicant claimed that above said offence was registered on the basis of complaint filed by mother of the victim that her daughter who is of age 17 years 06 months was missing on 25.02.2026 when she went to appear for exam of 12th standard. She received phone call that her daughter was being taken away. On the basis of phone number she came to know that it was phone of one Kalim Shaikh. Earlier also on 19.08.2025, he took the victim and as victim was found no complaint was filed. She also found that accused Kalim and present applicant/accused Ashfaq Shaikh were chatting with victim. Hence, she filed complaint against Kalim Shaikh and Ashfaq Shaikh under Section

137(2) r/w 3(5) of B.N.S. Thereafter police started investigation and searched the victim. On 26.02.2026 Georai police apprehended accused Shaikh Kalim Shaikh Hakkani, Bilal Khaled Qureshi and Ashfaq Karim Shaikh along with victim in Toyoto Etios Car No.MH-01/BB-8957. Thereafter after recording of statement of victim investigation officer added Section 74, 78(2) of B.N.S. and Section 8 and 12 of POCSO Act. He arrested the accused persons and now they are in MCR.

3) The applicant/accused claimed that he is having no role in the offence. He was taken by other accused persons for bringing auto rickshaw. He is having no knowledge of the victim. He is only earning family member of his family. His father is physically disabled person. He is permanent resident of Udgir and there is no possibility of his abscondance. Hence, he prayed for grant of bail.

4) The investigation officer and learned APP filed a reply at Exh.5. The victim has also filed her say at Exh.6. It is contended by prosecution that there is dispute between Hindu Muslim community due to the offence. Offence is serious and accused may threaten the informant. He may pressurize the witnesses and panchas. Victim is still under influence. Investigation may be hampered due to release of accused on bail. Hence, prayed for rejection.

5) The informant filed reply that there is threat to the life of victim and informant. Accused Kalim enticed the victim earlier and he was escaped from the clutches of law at that time. Other accused helped the main accused Kalim to entice the victim and to run away. Hence, prayed for rejection of application.

6) I heard learned advocate for the applicant/accused, learned APP and also gone through the case papers. Victim

resides in Deoni Tahsil and is of age 17 years 06 months. There is mention of instagram chatting between the victim and accused Kalim & Ashfaq. All accused are residing in Udgir. Investigation is almost over. The offence punishable under Section 8 of the POCSO Act is having punishment upto 05 years while Section 12 of POCSO Act provides punishment for three years. Section 137(2) of BNS provides for punishment upto 07 years. Section 74 of BNS provides for punishment upto 05 years. Section 78 (2) of BNS provides for punishment upto 03 years. The statement of the victim shows prima facie love affair. As victim is residing in separate tahsil, condition of not to enter in the said tahsil will sufficiently protect the interest of the victim, informant and police. Considering the punishment provided for the offence and the age of victim and her statement it is proper to grant bail to the accused subject to conditions. Therefore, I proceed to pass the following order.

ORDER

- 1) The application (Exh.1) is allowed.
- 2) The applicant/accused Ashfaq Karim Shaikh, be released on bail in connection with Crime No.44/2026, registered at Police Station Deoni, District-Latur, for the offences punishable under Section 74, 78(2), 137(2) r/w 3(5) of the Bhartiya Nyaya Sanhita(BNS) and under Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 on his furnishing Bail Bond of Rs.1,00,000/- with one or more solvent surety in the like amount on following conditions;
 - i) The applicant/accused shall not tamper with the prosecution evidence in any manner and shall not engage in any criminal activity or similar offences.
 - ii) The applicant/accused shall not directly or indirectly make any inducement, threat, or promise to any person familiar with the facts of the case to dissuade them from disclosing such facts to the Court and police.
 - iii) The applicant/accused is to provide a copy of proof of his residence along with the mobile number of the applicant and his two relatives.

iv) The applicant/accused shall not enter in the jurisdiction of Deoni Tahsil till completion of trial.

v) The applicant/accused to attend Udgir City Police Station on first Sunday of every month till conclusion of trial.

vi) As applicant/accused is in jail copy of this order be sent to District Jail, Latur by e-mail.

Dt.04.04.2026.

(D. B. Mhalatkar)
Additional Sessions Judge, Udgir.
