

Order below Exh. No.1 in Cri. Bail Application No.259 of 2026

(CNR No.MHOS010009732026)

Lala Husen Shaikh .. v/s.. State

1. This application is filed by the accused under section 483 of Bharatiya Nagarik Suraksha Sanhita for grant of regular bail in Crime No.201/2026 registered at Dharashiv City police station for the offences punishable under sections 137 (2), 74 of Bharatiya Nyaya Sanhita and section 8, 12 of POCSO Act.

2. Notice issued to the respondent/State and the respondent filed its say vide Exh.8 through Shri. M. B. Deshmukh, the learned Public Prosecutor for the State. After hearing the learned counsel for both the sides and perusal of the documents and police papers, the only question arises before me is as to whether the accused is entitled for regular bail and my answer to the same is in the affirmative, for the reasons which discussed as follows :

REASONS

3. The learned counsel on behalf of accused submitted that, accused was in custody of police from 19.05.2026 till 22.05.2026 and thereafter, he is taken in judicial custody. Thus, submit that, during the above mentioned period of his custody with police and jail, almost material investigation of this crime may be completed. Further submitted that, there is no any muddemal property, which required to be seized from the possession of this accused. Accused has not committed the alleged

offence as narrated in FIR and he is not any concern with alleged offence. Thus submit that, accused is only earning member in his family. He is residing within the jurisdiction of this Court and having movable and immovable property in jurisdiction of this Court. He is not having any criminal background. Hence, considering his age as 19 years and considering that almost material investigation may be completed. Thus, accused may be released on bail on imposing certain conditions.

4. On the other hand the Investigation Authority and learned DGP through their respective says Exh.7 and Exh.8 objected bail application on the grounds mentioned therein i.e. submit that, as per the contents of FIR disclosed prima-facie involvement of the accused in the alleged crime i.e. accused forcefully brought victim by saying that, he has intention to perform marriage with her. Prior to alleged incident also, accused kidnapped victim and at that time against him filed complaint by informant. Thus, this offence is serious. Investigation is in progress. So also, this offence is against minor victim. Hence, submit that, if this accused released on bail then possibility of repetition of similar type of offence, his absconding, hampering and tampering the evidence of prosecution and threatening to informant and her family member cannot be ruled out. Hence, bail application filed by accused may be rejected.

5. Then informant and victim through their respective say vide Exh.5 and Exh.6 gave no objection for releasing the accused on bail.

6. Thus, considering the rival submissions as advanced by both sides learned counsels and carefully gone through the contents of FIR, it appears that, from 19.05.2026 till 22.05.2026 accused was in custody of police and thereafter, till date he is in judicial custody, during the above mentioned period till date certainly material investigation of this crime may be completed on all material aspects. So also, in this crime there is no any muddemal property which required to be seized from the possession of this accused. Hence, considering the custody period of accused in police custody and judicial custody, I hold that, his further custodial interrogation is not warranted for investigation of this offence.

7. Then, in this crime informant and victim through their respective say vide Exh.5 and 6 gave no objection to release the accused on bail. As well as, minutely gone through the grounds which raised by investigation authority for opposing bail application of accused are general grounds and if condition of attendance and other conditions imposed on accused then that objections of investigation authority may be sort out. Hence, considering no objection of informant and victim, I hold that, further custodial interrogation of the accused is not warranted for investigation of this offence. Because, after perusal of report of investigation authority reveals that, only the formality of submission of charge-sheet before this Court is in progress.

8. Then, accused prosecuted under which section of BNS and POCSO Act, are not punishable with death or imprisonment

for life. So also, whether accused is liable to be convicted for the said offences may be properly adjudicate only after recording oral and documentary evidence of prosecution and defence. Hence, considering the nature of offence, no objection of informant and victim and custody period of accused, I hold that, his further custodial interrogation is not warranted. Thus, in result of above reasoning, I proceed to pass following order.

ORDER

- i) Bail application No.259/2026 is hereby allowed.
- ii) Accused Lala Husen Shaikh in C.R. No.201/2026 registered at Dharashiv City Police Station, shall be released on executing P.B. and S.B. of Rs.50,000/- with surety of the like amount.
- iii) Accused shall not tamper and hamper with the evidence of prosecution.
- iv) Accused shall not induce threat, promise to prosecution witnesses in respect of preventing them from giving evidence before this Court.
- v) Accused is directed to attend the concern police station on Monday, Wednesday and Saturday between 11.00 am to 2.00 pm till further order.
- vi) Accused shall furnish his residential proof alongwith his two close relatives.
- vii) Accused shall not repeat the similar type of offence or other type of offence while on bail.
- viii) Violation of any conditions imposed shall amount to cancellation of bail forthwith.

Date :- 17.06.2026

[S. G. Thube]
Judge, Fast Track Special Court,
Dharashiv.

C E R T I F I C A T E

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer	Mahesh Abhimanyu Pawar Stenographer (Grade-I)
Name of Court	Fast Track Special Court, Dharashiv (Osmanabad)
Date of order/Judgment	17.06.2026
Date of order/judgment signed by presiding officer.	17.06.2026
Judgment/Order uploaded on	17.06.2026