

CNR No: MHPU1400-1781-2024



State of Maharashtra
Vs.
Kasim Rakumuddin Shaikh

ORDER BELOW EXH.4

The accused/applicant **Kasim Rakumuddin Shaikh** has filed this application for bail U/Sec.483 of Bharatiya Nagarik Suraksha Sanhita (Here in after, in short, B.N.S.S. 2023) in connection with CR No.543/2024 for the offences punishable U/Secs.137(2) and 78 of the Bharatiya Nyaya Sanhita, 2023, (here-in-after, in short, BNS), U/Sec.12 of Prevention of Children from Sexual Offence Act, (here-in-after in short 'the POCSO Act') registered at Daund Police Station, Tal.Daund, Dist.Pune.

Brief facts of the prosecution case are:

2] The informant 'X' (name is not disclosed to withhold identity) is father of victim girl 'Y' (name is not disclosed to withhold identity). On 23/07/2024 he filed report at Daund police station alleging that, his daughter victim girl 'Y' has left house in afternoon saying that, she is going to class. But, has not returned back to home till evening. So, the informant and his family members have taken the search of victim girl at her class and in their vicinity. They also held inquiry about the victim girl with her friends and relatives. But the victim girl not found. So, he has filed report at Daund police station alleging that someone has kidnapped his minor daughter.

3] On 24/07/2024 the victim girl came back to the home. So, the informant has held inquiry with his wife. At that time, his wife told that; when she is going to drop victim girl at school, she came in contact with the accused. Thereafter, the accused started coming to their house. 5-6 months prior to incident, the accused told her that he will drop and pick up victim girl from the school along with his nephew. Accordingly, the accused used to pick up and drop the victim girl. Thereafter, he has started sending messages to the victim girl on Instagram. The accused also started threatening her that she should not talk with anyone. The victim girl told to her that, accused is harassing her. So, being fade up with the follow-up and harassment of the accused and Rehan Shaikh, the victim girl has fled from the house.

4] So, the informant held inquiry with the victim girl. The victim girl has also narrated that accused and Rehan were harassing her, they used to send messages to her, being fade up with their harassment, she fled from the house.

5] On receiving above information from the victim girl and wife, on 25/07/2024 the informant again gone to Daund police station. There police recorded his supplementary statement. Thereafter, police also recorded statement of the victim girl.

6] On the basis of information given by the informant and on the basis of statement of victim and other witnesses, crime vide CR No.543/2024 for the

offences punishable U/Secs.137(2) and 78 of the Bharatiya Nyaya Sanhita, 2023, (here-in-after, in short, BNS), U/Sec.12 POCSO Act, came to be registered against accused at Daund police station, Tal.Daund, Dist.Pune. He is arrested on 25/07/2024. On 26/07/2025 he has been taken in to judicial custody. Now, he is in judicial custody. Investigation is over. Charge-sheet has been submitted against the accused/applicant. So, he has moved this application for grant of bail.

7] Ld.APP and I.O. have filed reply at Exh.7, contested the application and prayed for it's rejection.

8] The informant and victim failed to appear though served with notice of this application. So, application proceed without their say.

9] It is submission of Ld.Advocate for the accused/applicant that, though the informant has made allegation against the accused/applicant and one Rehan Shaikh, the victim girl has stated that being fade up with the harassmt of her parents also on the ground that the informant i.e. her father is addicted to liquor she fled from house. Thus, the victim girl has not made any allegations against the accused. Actually, the accused has been falsely implicated in this case by the informant as he demanded the money borrowed by him from the accused. The informant has falsely implicated the accused in this case as he dislikes the fact that his wife is talking with accused and the accused is coming to their house. There is no allegation about stalking and

harassment at the hands of the accused/applicant to the victim girl. The accused/applicant is in jail since 25/07/2024. He is ready to abide all the conditions. Accordingly, prayed for releasing the accused/applicant on bail.

10] On the other hand, it is submission of APP that, the accused/applicant, victim and informant are staying in the same village. The accused/applicant harassed the victim girl. In her statement, she has made allegation about harassment to her. Being fed up with the harassment, she fled from the house. Still there is possibility of harassment to the victim girl. The offence committed by the accused/applicant is serious. So, he is not entitled to bail.

11] Perused material placed on record. On going through statement of the victim girl dated 24/07/2024 recorded by the police, it reveals that; she has not made any allegation against the accused/applicant. In her statement, she has stated that the accused/applicant and Rehan Shaikh used to visit their house. She used to talk with them. Her parents dislike this fact and scold at her. Her father used to consume liquor and quarrel with them. So, being fed up with the environment in their house, she fled. She has specifically stated that nobody has kidnapped her.

12] As pointed out by Ld.APP, in supplementary statement dated 12/09/2024, the victim girl made allegations against the accused/applicant alleging that,

he has started sending messages to her on Instagram and was threatening her. The accused/applicant used to harass and followed her. He used to talk with her and was insisting her for marriage. So, being fed up with the follow up of the accused/applicant, she fled from the house. Thus, in supplementary statement, the victim has made allegation against the accused/applicant about harassment and ill-treatment.

13] On going through record, it reveals that, Investigating officer has called report about Instagram account of the victim and the accused. The said report is yet not received. But, as discussed above, the victim girl has admitted that she used to talk with the accused/applicant and her parents dislike that fact. In her earlier statement, she has not made allegation against the accused/applicant. Her supplementary statement is recorded on 12/09/2024 i.e. after more than 02 months after incident.

14] Admittedly, the accused/applicant used to visit the house of the victim girl. According to the victim, her parents dislike the fact that the accused/applicant used to talk with her. Admittedly, there are no allegation about penetrative sexual assault or kidnapping of victim girl. On the contrary, according to victim girl, she fled from the house. The punishment provided for the offence allegedly committed by the accused/applicant is up to 03 years. In view of statement of the victim girl, ingredients of offence punishable U/Sec.137(2) of BNS would not

attract in this case. Admittedly, investigation is over. Charge is framed against the accused/applicant. But trial not begun. So, no purpose of the prosecution would suffice by keeping the accused/applicant behind bar till decision of the case.

15] No doubt, as pointed out by Ld.APP, both accused and family of the victim is staying in the same village. There is possibility of repetition of offence. But it would not be just and proper to keep the accused/applicant behind bar for this reason. On the contrary, if he is released on bail subject to certain condition; purpose of the prosecution would suffice.

16] Having regard to the above-mentioned facts and circumstances of the case, I am of the opinion that, accused/applicant is entitled to get bail. I, therefore, pass following order :-

ORDER

1. The application at Exh.04 is allowed.
2. The accused/applicant **Kasim Rakumuddin Shaikh** in connection with CR No.543/2024 for the offences punishable U/Secs.137(2) and 78 of BNS, U/Sec.12 the POCSO Act, registered with Baramati Taluka Police Station, Tal.Baramati, Dist.Pune, be released on bail, on furnishing P.R. Bond of Rs.50,000/- (Rs.Fifty Thousand only), with a Surety in the like amount, and on the following conditions-
 - (a) He shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him, so as to dissuade

him from disclosing such facts to the Court or to Investigating Officer.

- (b)** The applicant shall produce his proof of permanent residence along with his mobile number.
- (c)** The applicant shall attend this Court on each and every date till conclusion of the trial.
- (d)** The applicant shall not commit the similar offence and shall not indulge in any other criminal activities.
- (e)** The applicant shall not establish any contact with the victim, and shall not in no way make any attempt to establish contact with victim, either physically or virtually.
- (f)** The applicant shall not enter in Khwaja Vasti, Daund, Tal.Daund, Dist.Pune till further order.
- (g)** He shall comply with Chapter I Paragraphs 1 to 6 of the Criminal Manual 1980 (In view of Order of the Hon'ble High Court passed in Criminal Application No. 28/2010 in Public Interest Litigation No. 25/2010 on January 29, 2020).

3. Inform to concerned Jail Authority, through email.

Baramati.

Date: - 23-12-2025

(S.R.Patil)

Special Judge, Baramati.
(Under POCSO Act)

“CERTIFICATE”

I affirm that the contents of this PDF file are same word for word as per original :-

Name of Steno : **Jagadish Narayan Kanki,**
(Stenographer Grade - I)

Court name : **Surekha R. Patil.**
Addl. Sessions Judge, Baramati

Judgment delivered on : **23/12/2025**

Judgment signed by PO on : **23/12/2025**

Judgment uploaded on : **23/12/2025.**