

MHRG170010882025



**IN THE COURT OF SPECIAL JUDGE
AT PANVEL, DISTRICT- RAIGAD**

SPECIAL CASE NO.137/2025

The State of Maharashtra --- Prosecution

Vs.

Safaul Idrismiya Ansari --- Accused

Corum - Santosh C. Shinde

Date - 05th January 2026

Appearance-

Ld. advocate Mr. Hemant Wankhede for accused.

Ld. Spl. P. P Smt. Thalkar for the State of Maharashtra.

Order Below Exh.4

1. Heard Ld. advocate Mr. Hemant Wankhede for accused No.1 and Ld. Spl. P. P Smt. Thalkar for the State.
2. Application is filed by accused for granting regular bail.
3. Notice was issued to Victim & State of Maharashtra & investigation officer. Say is filed at exh.7 and application is strongly objected. Ld. advocate for applicant has filed written notes of arguments at exh.8.
4. Perused charge-sheet.

5. FIR is registered by mother of victim. Accused was running eggs shop. Parents of victim were working on brick kiln and on 1st May 2025 at about 5:00 PM mother of victim had sent victim in the village to bring chicken. At about 6:30 PM, owner of brick kiln came and said that something has happened with victim therefore, informant accompanied him and both had gone at shop of accused where people were gathered.
6. FIR further shows that when informant asked victim as to what has happened, victim narrated that as chicken shop owner was not in the shop, accused called her in his shop and asked her to remove her clothes but she refused. Then accused rubbed her chest & back. Meantime, someone called accused therefore, he instructed victim to hide in bathroom of the shop. As victim had heard voice of someone talking with the accused, she came out of the shop and narrated that person as to what happened with her. It is alleged that accused has committed sexual harassment of victim by calling her in his shop.
7. Ld. advocate for accused submitted that accused is falsely implicated. Accused is senior citizen. In statement of victim, she has stated about two persons who had come near the shop of accused but in FIR name of second person is not mentioned. There is variation in statement of victim. There is no eye witness to incident. Only on suspicion case is registered. Charge-sheet is filed. Further custody is not required.
8. In support of arguments, Ld. advocate for accused has relied upon judgment of Hon'ble Rajasthan High Court in **Kadu Khan**

Vs. State of Rajasthan [Criminal Miscellaneous Application No.1351/2024 decided on 12/02/2024].

9. Ld. Spl. P. P submitted that victim is minor. Accused has intentionally touched her. Two witnesses have seen the incident. Offence is serious in nature. Accused is resident of Jharkhand and if released on bail, he may not be available for trial.
10. Allegations against accused are that on day of incident, he called victim in his shop and committed sexual harassment of victim by rubbing chest & back of victim. As per prosecution, two witnesses who were standing at Vadapav Stall which was near to shop of accused have seen the incident and in statement, these two witnesses have stated about alleged incident & sexual harassment of victim by accused.
11. At present there is no material to show that the accused is falsely implicated. There is nothing on record about any dispute between the accused and family of victim. Accused is aged about 63 years and at the relevant time, he was running Eggs shop which was adjacent to chicken shop. Allegations against accused are about sexual harassment and not about penetrative sexual assault.
12. Now, charge-sheet is filed and investigation is completed. No recovery or discovery is pending. Only for reason that accused is resident of another State his bail application cannot be rejected for that reason only. Accused was arrested on 2nd May 2025 and since then he is behind bars.

13. Bail is rule and jail is exception. Object of bail cannot be ignored. Bail cannot be withheld as punishment. It will take time to commence & conclude the trial therefore it would not be proper to keep accused behind bars for indefinite period otherwise it will amount to pre-trial conviction therefore, accused can be released on bail by imposing certain conditions. As a result, I pass the following order.

ORDER

1. Application is allowed.
2. Accused Safaul Edrismiya Ansari be released on furnishing P.B & S.B of Rs.20,000/- (Rupees Twenty Thousand) with one or two sureties in like amount in crime No.101/2025 registered at Panvel Taluka Police Station, Navi Mumbai for offence punishable u/s.74, 75 & 76 of the BNS, 2023, u/s.3(1)(w)(i) & (ii), 3(2)(va) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and u/s.8 & 12 of the POCSO Act, 2012, if he is not required in any other offence.
3. Accused shall not contact to informant, victim or her family members.
4. Accused, till further orders, shall not enter in area where informant, victim & her family ordinarily resides or works for gain.
5. Accused, in future, shall not commit offence of similar nature.
6. Accused shall not, directly & indirectly, make any inducement, threat or promise to any person acquainted with facts & circumstances of case so as to dissuade him

from disclosing such facts to the police & Court.

7. Accused shall not leave India without previous permission of the Trial Court.
8. Accused shall furnish his permanent & temporary residential proof, valid e-mail ID and mobile number.
9. Registry is directed to inform accused about this order by e-mail.

(Application is disposed of accordingly)

Panvel
Date - 05/01/2026

(Mr. S. C. Shinde)
Special Judge, Panvel,
Dist.-Raigad