

MHRT010003082026



BEFORE THE SPECIAL COURT, RATNAGIRI

(Presided over by V. Y. Jadhav, Judge, Special Court, Ratnagiri)

CRIMINAL BAIL APPLICATION NO. 44 OF 2026.

Shehbaaz Asgar Ali Pathan

Age 28 years, Occupation – Labour work,
R/o. Pathan Wadi, Bhagwati Bandar,
Tal. Dist. Ratnagiri.

Applicant.

Versus

State of Maharashtra,

Through, Inspector of Police,
Jaigad Sagari Police Station,
Crime No. 32/2026.

Opponent.

Order Below Exh. 01

(Dictated and delivered in open Court on 16.06.2026)

1. This application has filed by applicant/accused Shehbaaz Asgar Ali Pathan under Section 483 of B.N.S.S. for grant of regular bail in Crime No. 32/2026 of Jaigad Sagari police station; for the offences punishable under Sections 64(2)(i), 64(2)(m), 69, 318(4), 351(2) of B.N.S. and under Section 4, 8, 12 of POCSO Act.

2. Perused the application and say. Heard respective counsels.

3. Ld. Counsel for the applicant submitted that there are allegations of sexual assault on minor victim, however, bare reading of FIR show that the victim was not minor even at the time of alleged first incident. She was 18 years, 2 months and 21 days old in December 2020. Therefore, the provisions of POCSO Act would not be applicable to the present case. There are no allegations of any force or violation.

4. The FIR itself shows that the dispute arose only when the accused allegedly refused to pay money in respect of loan transaction. Therefore, it is clear that no offence was actually committed and the victim is having no other grievance that the monetary dispute. That even otherwise the applicant has repaid almost entire loan amount. That the investigation has practically completed. Even mobile hand set of the applicant has already seized. In such circumstances, the applicant may be enlarged on bail on appropriate conditions.

5. In support of his argument he relied upon on the following case laws.

1) Dharmander Singh @ Saheb Vs. State (Govt. of NCT Delhi), reported in AIROnline 2020 Del 1382.

2) Praduman Vs. The State (Govt of NCT of Delhi) and Anr., reported in Bail Appl. N. 2380 of 2021 decided on 05.10.2021.

3) Sunil Mahadev Patil Vs. State of Maharashtra, reported in ABC 2016 (1) 34 BOM.

4) Mohammed Ajaan Khan Vs. The State of Maharashtra & Anr., reported in Bail Application No. 4621 of 2024, dated 13.02.2025.

6. On the other hand Ld. SPP Shri. A. A. Fansekar submitted that the victim was minor when she was firstly contacted with the accused. There are allegations of penetrative sexual assault on the victim on various occasions. There are also allegations of obtaining her consent after attaining majority on the pretext of promise of marriage.

7. Though the application has alleged delay, however, the FIR has lodged only when the promise to marriage was breaking and the accused had threatened the informant for making her private videos and photos viral. In these circumstances, the applicant is not entitled to enlarge on bail. There is possibility of pressurizing the victim and tampering with the evidence. Hence, the application may be rejected.

8. Ld. Counsel for the applicant has relied upon various case laws. So far as decision in the case of *Dharmander Singh Supra*; is concerned the charge-sheet was already filed and therefore, investigation was completed. In the case of *Praduman supra* the accused was in custody for more than one year while in the case of *Sunil Patil Supra*; the facts of the case were altogether different and there were no allegations of any threats or of circulating the private contents of the victim. So far as decision in the case of *Mohammad Khan supra* is concern decision in the case of *Sunil Supra* has been relied upon.

9. However, in the present case there are specific allegations that in April 2026 the accused threatened the informant at late hour i.e. 3.30 a.m. by message as well as on phone call and by saying that her photos and videos would be circulated and thereby committed forceful sexual assault on her. Therefore, the allegations against the applicant are much serious than the facts to the case cited by him. There is clear indication of pressurizing the victim. Moreover, the investigation is in progress. The enlargement of the applicant at this juncture may create hurdle in the investigation. Hence, I pass following order.

ORDER

1. The application is hereby rejected.
2. Informed the concerned accordingly.

(V. Y. Jadhav)
Special Judge, Ratnagiri.

Date: 16.06.2026

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Cri. Bail Appln.No.44/2026
Name of Stenographer	:-	Sou. P. S. Lad
Name of Court	:-	Special Judge, Ratnagiri.
Date of Dictation	:-	16.06.2026
Order signed by the P.O. on	:-	16.06.2026
Order uploaded on	:-	16.06.2026