

**Shaikh Sameer Shaikh Feroj****...Applicant****Versus****State of Maharashtra****...Respondent****ORDER (BELOW EXH.1)**

This application for regular has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (In short, "The BNSS") in Crime No.492/2026 registered at Police Station Basmath (City) for the offences punishable under Sections 75, 78, 351(4), 352 of the Bharatiya Nyaya Sanhita, 2023 (In short, "BNS"), under Sections 8, 12 of the Protection of Children from Sexual Offences Act (In short, "The POCSO Act") and under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (In short, "The Act").

1. The Applicant/the Accused contended that he is innocent and has been falsely implicated in the crime. There is no independent eye witness to alleged incident. There is unexplained delay in lodging the FIR which creates doubt about prosecution case. The offences punishable under the Act do not prima-facie attract. The Applicant is a young boy and his family members are depended upon him. His further detention is not necessary. He is permanent resident of given address. He is ready to abide by conditions, if released on bail. This is his first

regular bail application and has not filed any other bail application before any Court. Hence, the present application.

2. The Investigating Officer and the learned APP opposed the application by filing Say. It is contended that it is disclosed during investigation that the Applicant has committed the alleged offence. If he is released on bail, he may pressurize the Prosecutrix and the witnesses. Therefore, it is prayed for rejection of the application.

3. Heard, the learned **Adv. R.V. Magar** for the Applicant and the learned **APP Shri. N.H. Nayak**. The Prosecutrix and her father were served with the notice. But they remained absent before the Court. I also perused the documents on record. On 31/07/2026, the Prosecutrix lodged the Report. She contended that she belongs to *Matang* community and her date of birth is 19/09/2011. She knows the Applicant who was earlier residing in her neighborhood. The Applicant is chasing and troubling her since last six months. But she did not disclose to her parents. On 27/07/2026 at about 10:00 a.m., the Applicant came on motorcycle and stopped to the Prosecutrix. He held her hand and said as “तु माझ्या सोबत का बोलत नाही, तु माझ्या सोबत बोल नाहीतर तुझे फोटो एडिट करुन व्हायरल करतो”. The Prosecutrix got frightened and returned to home crying. The Applicant also followed her. He also contacted the mother of the Prosecutrix on mobile phone and threatened to spread photographs of the Prosecutrix and also to kill her. On the basis of this information, the crime was registered.

4. The Say of the Investigating Officer disclosed that motorcycle and mobile phone used in commission of offence are seized from the Applicant during investigation. Therefore, nothing remains to be recovered or discovered at his instance. The alleged offence is of serious nature as it is committed against a minor girl. However, further detention of the Applicant is not necessary for investigation. It would serve no purpose. The Applicant is the permanent resident of given address and has no criminal antecedents. Therefore, he is entitled to be released on bail on suitable conditions. Hence, I pass the following Order:

ORDER

1. This Bail Application No.236/2026 is hereby allowed.
2. The Applicant **Shaikh Sameer Shaikh Feroj**, in Crime No.492/2026 registered at Police Station Basmath (City) for the offences punishable under Sections 75, 78, 351(4), 352 of the BNS, under Sections 8, 12 of the POCSO Act and under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of the Act, shall be released on bail on his executing P.B. & S.B. of Rs.25,000/- (Rupees Twenty Five Thousand Only) on following conditions:
 - (a) He shall not tamper with prosecution evidence in any manner.
 - (b) He shall attend the concerned police station on 1st (First) Sunday of every month till filing of the charge-sheet.
 - (c) He shall co-operate the investigating agency.
 - (d) He shall not contact the Prosecutrix or any of her relatives in any manner.
 - (e) He shall not leave India without prior permission of the Court.

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3. The copy of this Order shall be sent to the Accused by e-mail through the Jail Superintendent, as per directions of the Hon'ble Supreme Court of India given in the case of In Re Policy Strategy for grant of bail in SMWP (Criminal) No.4 of 2021 dated 31/01/2023.
4. Bail in the concerned Court accordingly.
5. Hamdast allowed.

(D.B. Bangde)
Additional Sessions Judge,
Basmathnagar

Date: 07/08/2026

CERTIFICATE

I affirm that the contents of this P.D.F. file order is same word for word as per original order.

Name of Steno	:-	Anil Arun Ghatole (Stenographer Grade-III)
Court Name	:-	D.B. Bangde Additional Sessions Judge
Date of order	:-	07/08/2026
Order signed by the Presiding Officer	:-	07/08/2026
Order Uploaded on	:-	07/08/2026