

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1403 OF 2026

Asif Khan Nawab Khan

....Applicant

**VERSUS**

The State Of Maharashtra And Another

.....Respondent

.....

Advocate for Applicant : Mr. Rameez M. Shaikh

APP for Respondents: Mr. A.S. Shinde.

Advocate for informant/complainant : Mrs. Rashmi S. Kulkarni  
(appointed)

**CORAM : MEHROZ K. PATHAN, J.**

**DATE : 6<sup>th</sup> MAY, 2026.**

**P.C. :-**

1. The allegations against the present applicant is of stalking. The applicant came to be arrested in the offence after a period of 15 days. The applicant came to be released on regular bail vide order dated 16.9.2025, by the learned Sessions Judge, by imposing certain conditions not to enter the locality where the victim and her family resides, so also shall not contact the victim through any social media platforms i.e. mobile, facebook, instagram, e-mail or any other social media until further orders.

2. The complainant/informant has filed an application for cancellation of bail on the ground that the applicant has made an attempt to influence the complainant and the victim. There is a non-cognizable report also registered at the behest of the complainant.

3. I have gone through the order passed by the trial court as

well as the order imposing conditions upon the applicant while releasing him on bail. The impugned order of cancellation of bail is passed only on the basis of non-cognizable report registered against the applicant. The learned Single Judge of this court in the matter of ***Hulaji Gangaram Shete Vs. Balaji Ramji Shinde and others, dated 28.2.2022 passed in A.B.A. No. 144 of 2021*** has held as under :-

*“... If actions are taken by this Court such as cancellation of bail on the basis of the N.C. Complaints, then every informant would come to this Court with a prayer of cancellation of bail. What is expected is that, the legal recourse that is available to the informant/witnesses and/or to the police should be exhausted so that the concrete evidence can be before this Court to take extreme step of cancellation of bail. When bail is granted after considering all the merits involved, then its cancellation cannot be on the basis of mere lodging of a non-cognizable offence.”*

4. In view of the same, I am inclined to pass the following order :-

#### ORDER

[I] Stand over to 18<sup>th</sup> June, 2026.

[II] In the meanwhile, there shall be ad-interim relief in terms of prayer clause (C) and (D), which reads as under :-

*[C] Pending hearing and final disposal of this Criminal Application the operation, implementation and execution of the Order dated 2.4.2026 passed by the Hon'ble District and Sessions Court-8, Aurangabad in Special Case No. 698 of 2025 below Exhibit-4 may kindly be Stayed till disposal of this Criminal Application.*

*[D] The Order of Issuance of Non-Bailable Warrant against the Applicant in Special Case No. 698 of 2025*

*may kindly be Cancel and till the decision of this Criminal Application the Non-bailable warrant be stayed or be kept in abeyance till the decision of the criminal application.”*

[III] The applicant shall not make any attempt to threaten the complainant or the victim girl.

[IV] A single complaint to that effect would be taken serious note of, regarding the conduct of the applicant, at the time of passing the final order.

5. The learned appointed counsel Mrs. Kulkarni submits that an affidavit is filed by the complainant alleging the atrocities at the behest of the Investigating Officer.

6. The learned APP to take instructions in that regard and file a counter affidavit, if any, to the affidavit filed by the complainant.

**[MEHROZ K. PATHAN]  
JUDGE.**

grt/-