

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

940 BAIL APPLICATION NO.234 OF 2023

SAYYED AIJAZ MIYA SAHAB
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Pathan Hamzakhan I.
APP for Respondent-State : Mr. S. P. Sonpawale.
Advocate for Respondent No.2 : Mr. S. M. Pandit-Appointed.

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CORAM : S. G. MEHARE, J.
DATE : 16.02.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel appointed for respondent No.2/victim.
2. The offence under Section 354-A of the IPC read with Section 7 and 8 of the POCSO Act has been registered against the applicant. The victim was 17 years old at the time of the incident. It has been alleged against the applicant that he kissed her on her forehead and pressed her chest. The applicant has been arrested on 20.12.2022.
3. The applicant has a case that he has been falsely implicated in the crime. At the time of the alleged incident, he

was on duty in the school. Nothing is to be recovered from the applicant.

4. Learned counsel APP has strongly opposed the application and argued that the victim has an apprehension from the applicant. He did forceful act with her. He may repeat the same crime. Therefore, to protect the interest of the victim, who was a minor at the time of the incident, the applicant shall not be granted bail. He further opposed the application contending that the applicant is a teacher in a school. The incident happened in the grocery shop run by the victim. The applicant has no good case for bail.

5. Perused the papers produced before the Court. It is not in dispute that the victim was 17 years old at the time of the incident. The alleged incident happened at 10.30 a.m. in the shop run by the victim. Considering the allegations, nothing is to be recovered from the applicant. The applicant is languishing in jail for a sufficient time. However, to guard the apprehension of the prosecution, certain conditions may be imposed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

- (ii) Applicant **SAYYED ALJAZ MIYA SAHAB** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.278 of 2022, registered by Police Station Dharmabad, District Nanded, for the offences punishable under Section 354-A of the IPC and Section 7, 8 of the POCSO Act, on the following conditions :
- (a) The applicant shall not contact the victim or any of the witnesses till the conclusion of the trial.
 - (b) He shall not tamper with the prosecution witnesses.
 - (c) He shall not enter the locality where the victim resides till the conclusion of the trial.
 - (d) He shall attend the trial on each effective date.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal fees to advocate Mr. Pandit as per the schedule.

(S. G. MEHARE, J.)

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