



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

933 BAIL APPLICATION NO. 2066 OF 2024

SAYYAD ISAMUDDIN SAYYAD KAYAMUDDIN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Rajendrraa Sudhakar Deshmukh, Sr. Advocate
a/w. Ms. Yugandhara Abhijit Namde i/b. Mr.Deshmukh Devang Rajendrraa
APP for Respondent/State : Mr. P.P. Dawalkar
Advocate for the respondent no.2 : Mr.R.Z.Tayade [Absent]
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CORAM : ARUN R. PEDNEKER, J.
Dated : December 16, 2024

PER COURT :-

1] This matter was partly heard on 14th December, 2024, the learned Advocate for respondent no.2 was absent and it was kept today, the learned counsel for the respondent no.2 is also absent.

2] Heard learned counsel for the applicant and the learned APP for the respondent/State.

3] Leave is granted to correct the name of the applicant.

4] The applicant is seeking bail as he is arrested on 04.10.2024 in connection with Crime No. 0264/2024 dated 7.8.2024 registered with City Chowk Police Station, Aurangabad City, Dist. Chh.Sambhajinagar for the offences punishable under sections 74 of B.N.S. and section 8 of the Protection of Children from Sexual Offences Act, 2012.

This order is corrected vide speaking to minutes order dated 19.12.2024

5] It is the case of the prosecution that on 7.8.2024 in the morning at 7.00 hours, the victim girl, who is of 14 years old, had left her house to throw the garbage. At that time, applicant herein caught hold her right hand and mentioned that cheque given by her mother was bounced and you see what I will do. Having said so, he molested the modesty of informant and accordingly, the offences is registered against the applicant. In the statement under section 164 of Cr.P.C. before the Magistrate, the victim has repeated the information given to the police.

6] The applicant is arrested on 4.10.2024. After completion of investigation chargesheet was filed.

7] The learned counsel for the applicant contends that prior to the alleged incident, wife of the applicant has registered non cognizable offence against the mother of the victim and father of the victim for the offences punishable under sections 351, 352 of B.N.S. on 6.7.2024 and she has threatened the applicant on account of certain motitary transactions. Another complaint is filed by the wife of the applicant against them on 22.7.2024 through the office of the Collector wherein she has prayed for police protecton on account of certain monitary transactions. The learned counsel for the applicant submits that considering the background of the rivalry between the parties, the F.I.R. is registered against the applicant and the applicant is falsely implicated in the crime. The learned counsel further submits that there is no independent evidence available apart from the statement recorded under section 164 of Cr.P.C. before the Magistrate. The learned counsel further submits that investigation in the matter is

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completed and the applicant is behind bar for more than two and half months. The learned counsel submits that considering the nature of the offence and the maximum punishment provided for the offence is not more than seven years, bail may be granted to the applicant.

8] The learned APP opposed the application for grant of bail. The learned APP submits that 164 statement made by the victim is supporting the case of the prosecution, although there is certain background disclosed, but that alone is not sufficient to grant bail to the applicant. Prima facie there is involvement of the applicant in the crime and he prays for rejection of the application.

9] Considering the background, the present complaint is registered. Without going into the merits of the case, considering that the applicant is in jail since 4.10.2024 and the trial would take time to conclude, I deem it appropriate that this is the fit case to grant bail.

10] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 264/24 dated 7.8.2024 registered with City Chowk Police Station, Aurangabad City, Dist. Chh. Sambhajinagar for the offences punishable under sections 74 of B.N.S. and section 8 of the Protection of Children from Sexual Offences Act, 2012, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

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b] The applicant shall not enter the jurisdiction of City Chowk Police Station, Aurangabad during pendency of the trial.

c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

11] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12] The application stands disposed of.

(ARUN R. PEDNEKER, J.)

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