



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 51 OF 2025

Sameer S/o. Baba Pathan,  
Age : 27 years, Occu. : Labour,  
R/o. Chelipura, Murgi Nala,  
Tq. & Dist. Aurangabad, Maharashtra

At Present : Sadia Colony, Anand Medical,  
Near Harun Bhai Mutton Shop, Aurangabad.

... Applicant  
(Orig. Accused)

Versus

1. The State of Maharashtra,  
Through The Police Inspector/  
Investigating Officer in  
Crime No.139/2024,  
Vedant Nagar Police Station,  
Tq. & Dist. Aurangabad

2. X.Y.Z.

... Respondents.

.....  
Mr. Baig Mirza Mazhar Javed, Advocate for Applicant  
Mr. V. M. Chate, APP for Respondent No.1 - State.  
Mr. H. P. Jadhav, Advocate for Respondent No.2 (Appointed  
through legal aid)

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**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 25<sup>th</sup> FEBRUARY, 2025**

**PRONOUNCED ON : 26<sup>th</sup> FEBRUARY, 2025**

**ORDER :**

1. Present application is for grant of bail on account of arrest in Crime No. 0139 of 2024 registered at Vedantnagar Police Station, District Aurangabad for offence punishable under sections 74 and 79 of Bharatiya Nyaya Sanhita and under section 12 of the The Protection of Children from Sexual Offences Act, 2012.

2. In support of relief, learned counsel for applicant submitted that, FIR is against a stranger. That, alleged occurrence is of 23.08.2024. That, identity of the actual accused is under shadow of doubt. That, victim's statement does not tally with statement of her own parents. That, it is alleged that driver of the rickshaw committed above offence, however, statement of owner of the rickshaw is not recorded. That, applicant is arrested on 28.08.2024. Considering the nature of allegations, nothing is to be further recovered or discovered. That, investigation is over and charge sheet is already filed and therefore according to learned counsel, further detention of applicant is unnecessary and that even there are no immediate prospects of matter going for trial. On above such grounds, bail is urged for.

3. Learned APP as well as learned counsel appointed for respondent no.2, both opposed that, serious offence is committed. That, applicant was identified in T.I. parade. That, statement of victim is consistent in FIR as well as in statement under section 164 of Cr.P.C.. Learned counsel for complainant pointed out that, applicant is found to have repeated similar offence. For all above grounds, they both opposed the application.

4. Heard. Perused the FIR. Victim, who is 17 years and some odd months of age lodged report that, on 23.08.2024, after

alighting at Baba petrol pump, i.e. after undertaking journey from Waluj in a bus, she hired a rickshaw to go to her institution where she studied. She claims that, the auto rickshaw driver, who had applied kohl to his eyes, started interacting with her on her family domestic issues and assured to help her. She claims to have questioned him how she knew it and at that time said rickshaw was taken towards Panchawati Chowk, Kokanwadi Chowk and after taking turn on railway station road, opposite Rana Hotel, he pulled down his trouser and showed his male organ and made indecent gestures to her, as a result of which, her modesty was outraged. She claims that, when she threatened to jump from the rickshaw, he halted the rickshaw and she got down. She reported it to her father and uncle on phone, and thereafter, accompanied them to lodge report. On her above statement, crime seems to have been registered.

5. Applicant is shown to be arrested in August 2024. T.I. parade is already said to be conducted. Investigation is over and charge-sheet is already filed in October 2024 itself. However, as submitted it is uncertain as to when matter would go for trial. Going by the nature of allegations, prima facie, nothing is shown to be recovered or discovered at his instance. Though, allegations are of above pervert act, no purpose is shown to be served by keeping

him behind bars for indefinite period. Apprehension of misuse of liberty is expressed by both learned APP as well as learned counsel for victim can be taken care of by imposing appropriate conditions. Hence, I proceed to pass the following order :-

**ORDER**

- (i) The Application is allowed.
- (ii) Applicant Sameer S/o. Baba Pathan be released on bail in connection with Crime No. 0139 of 2024 registered with Vedantnagar Police Station, District Aurangabad on executing P.B. of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter in the vicinity of Jai Bhavani Nagar, Chhatrapati Sambhajinagar till conclusion of the trial.
- (v) Applicant shall attend the concerned Police Station twice in every week i.e. on every Monday and Thursday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.
- (vi) The applicant shall attend each and every effective date before the trial court.

**(ABHAY S. WAGHWASE, J.)**