



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

936 ANTICIPATORY BAIL APPLICATION NO. 212 OF 2025

Nasir Rafiq Sayyed

VERSUS

The State Of Maharashtra And Others

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Advocate for Applicant : Mr. Shermale K. N.

APP for Respondents-State: Mr. R. S. Wani

Advocate for Respondent No.3 : Mr. Mote Umesh S.

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 12, 2025.

PER COURT :-

1. Heard learned counsel for the applicant, the learned APP for the respondent-State, and the learned Counsel for respondent No.3.
2. The applicant is apprehending arrest in connection with FIR No.0635/2024, registered at Akole Police Station, District Ahmednagar, for the offences punishable under sections 75(1), 1(4) of Bharatiya Nyaya Sanhita, and Sections 11(3), 11(4) and 12 of the Protection of Children from Sexual offences Act, 2012.
3. This Court, by order dated 06/02/2025, granted interim protection to the applicant. The learned Counsel for the applicant submits that the applicant has attended the police station, cooperated with the investigation, and made the mobile phone available for examination.
4. The learned APP submits that although the applicant's mobile phone has been provided, the applicant's Instagram account has been deactivated, preventing verification of its contents.

5. The case against the applicant is that, on 14/12/2024, he sent certain objectionable messages to the victim. The FIR was registered by the Principal of the school on 25/10/2024. Learned Counsel for the applicant submits that the FIR was lodged under pressure from members of the victim's community. He further submits that the victim's father filed an affidavit before the Sessions Court stating that the victim's mobile phone was hacked by an unknown person. Consequently, the victim sought the applicant's assistance in tracing the hacker. He contends that the applicant did not intentionally send any messages to the victim but merely responded to messages received from her Instagram account. A similar affidavit has also been filed by the victim's father before this Court, reiterating the same contentions.

6. The learned APP submits that the applicant is influencing witnesses and interfering with the investigation, particularly in relation to the Instagram account as he has deleted his own account.

7. In response, the learned Counsel for the applicant argues that the applicant's Instagram account was deactivated in November 2024. He further contends that the applicant has fully cooperated with the investigation and emphasizes the affidavit filed before the Sessions Court, which states that the victim's mobile phone was in the possession of her father. On these

grounds, he seeks confirmation of the interim protection granted.

8. Considering the submissions of both parties, this Court is of the view that while three objectionable messages were sent, the victim's Instagram account was hacked, and it cannot be ruled out that her mobile phone may have been in the possession of her father. As submitted, the messages may have been sent in an attempt to trace the hacker. In view of these circumstances, the interim protection granted to the applicant is confirmed.

9. In view of the above, the application is allowed in the following terms: -

i] In the event the applicant is arrested in connection with FIR No.0635/2024, registered at Akole Police Station, District Ahmednagar, for the offences punishable under sections 75(1), 1(4) of Bharatiya Nyaya Sanhita, and Sections 11(3), 11(4) and 12 of the Protection of Children from Sexual offences Act, 2012, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

10. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

11. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial 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.)

vj gawade/-.