



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

**943 BAIL APPLICATION NO. 859 OF 2025**

Ajju Shabbir Sayyad

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Shaikh Joyeb I.

APP for Respondents-State: Ms. A. S. Mantri

Advocate for Respondents No.2: Mr. Akash E. Madne (Appointed)

...

**CORAM : ARUN R. PEDNEKER, J.**

**Dated : August 14, 2025.**

**PER COURT :-**

1. Heard learned Counsel for the applicant, the learned APP for the respondent-State, and the learned appointed Counsel for respondent No.2.
2. The applicant is seeking bail in connection with FIR No. 788/2024 registered with Bhingar Camp Police Station, Ahmednagar, for the offences punishable under Sections 137(A) and 74 of the *Bharatiya Nyaya Sanhita, 2023* and under Sections 8 and 12 of the *Protection of Children from Sexual Offences Act, 2012*.
3. It is stated in the FIR, registered on 27/11/2024, that the applicant kidnapped the victim aged 15 years and 10 months. The victim is the sister-in-law of the applicant. She was found in the company of the applicant on 30/11/2024 at Manmad. Thereafter, her statement is recorded and, relying upon it, offences under the POCSO Act are invoked against the applicant.
4. On perusal of the statement of the victim, it appears that she accompanied the applicant voluntarily. There is no allegation of penetrative sexual assault by the applicant. It is alleged that the applicant took the victim to her sister's house and stayed there.

5. Learned Counsel for the applicant submits that, considering the nature of allegations, the applicant deserves to be released on bail.

6. *Per contra*, the learned APP and the learned appointed Counsel for the victim strongly opposed the grant of bail, submitting that the victim was a minor at the relevant time, travelled with the applicant, and that if the applicant is released, he may threaten the victim and her family members.

7. Having heard the learned Counsel for the applicant, the learned APP, and the learned appointed Counsel for respondent No.2, *prima facie* there is no allegation of penetrative sexual assault in this case. It appears that the victim travelled with the applicant to various places. The investigation is complete, and the applicant is in custody since 13/11/2024. There are no antecedents against the applicant. Considering these aspects, the applicant is entitled to bail.

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

a] The applicant shall be released on bail in connection with FIR No. 788/2024 dated 27/11/2024, registered at Bhingar Camp Police Station, District Ahmednagar, on furnishing a PR bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

- b] Upon release, the applicant shall not contact the informant in any manner whatsoever during the pendency of the trial.
- c] The applicant shall co-operate with the trial Court and attend each and every date of hearing, unless exempted by the trial Court.
- d] The applicant shall not tamper with the prosecution evidence and shall not influence the informant, witnesses, or any other person concerned with the case.
- e] The applicant shall, upon release, furnish to the trial Court his contact number and residential address and keep the Court informed of any change thereof.

9. Needless to say, in case of violation of any of the above conditions, the bail granted to the applicant shall be liable to be cancelled. It is clarified that the observations made herein are confined to the adjudication of this bail application, and the trial Court shall proceed without being influenced by them.

10. Fees of the appointed advocate are quantified at Rs.10,000/- (Rupees Ten Thousand only), to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

11. The application stands disposed of.

( ARUN R. PEDNEKER, J. )

*vj gawade/-.*