



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

34 BAIL APPLICATION NO.1021 OF 2025

**MOHMMAD RAZIYODDIN MOHMMAD HAZI
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr.S.P.Salgar
APP for Respondent-State : Mrs.A.S.Mantri
Advocate for Respondent no.2 : Mr.D.M.Shinde

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CORAM : ARUN R. PEDNEKER, J.

DATE : 11.08.2025

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for respondent no.2.

2] The applicant is seeking bail as he is arrested on 22.01.2025 in connection with Crime No.9/2025, registered with Kandhar Police Station, Dist. Nanded, for the offence punishable under Sections 137 (2), 64, 65 (1) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3] The FIR is registered by the father of the victim on 12.01.2025 alleging therein that his elder daughter, aged

14 years, who had gone to his brother-in-law's house, had not come back after she had gone out at 12.00 noon on 12.01.2025. Initially, the FIR is registered under Section 137 (2) of the BNS. During investigation, the victim was found in the company of the present applicant after 10 days. Thereafter, the statement of victim was recorded by the police on 22.01.2025. In the said statement, victim has stated that the parents of the victim wanted to get her marriage to some other person. As such, she ran away with the present applicant. She further stated that she travelled with the applicant at various places and on 4 occasions the applicant and victim had maintained physical relations. As such, offence under POCSO Act is registered against the present applicant. Thereafter, the applicant is arrested on 22.01.2025.

4] The learned counsel for the applicant submits that considering the statement of the victim that she herself was trying to ran away with the present applicant and on her own the victim travelled with the present applicant at various places. The applicant further submits that he had not maintained physical relations with the victim. He further submits that the investigation of the matter is complete and charge sheet is filed. The applicant is arrested on 22.01.2025. Considering the said fact, the bail should be granted in favour of the applicant.

5] *Per contra*, the learned APP, so also, the learned counsel for the respondent no.2 submit that the victim was taken by the applicant as he wanted to marry with the victim, so also, the present applicant had maintained physical relations with the victim forcefully. As such, bail should not be granted in favour of the applicant.

6] The Magistrate has recorded the statement of victim under Section 183 of the Bharatiya Nagarik Surksha Sanhita [BNSS] and in the said statement, she specifically stated that as victim wanted to get married with the present applicant as such she ran away with the present applicant and she travelled with the applicant at various places and the applicant and victim had maintained physical relations on 4 occasions. Investigation in the matter is complete and charge sheet is filed. The applicant is arrested on 22.01.2025. There are no criminal antecedents against the present applicant. Considering this aspect of the matter, the applicant is granted bail. The Application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.9/2025, registered with Kandhar Police Station, Dist. Nanded, for the offence punishable under Sections 137 (2), 64, 65 (1) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 8 and

12 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.

b] The applicant shall not enter the village Fulwal, Taluka Kandhar, District Nanded, 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.

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.

7] 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.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC