



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

913 ANTICIPATORY BAIL APPLICATION NO. 2053 OF 2024

AHMED KHALEED SYED

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. S. S. Kulkarni
APP for Respondent-State: Mr. Ruchir S. Wani

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CORAM : ARUN R. PEDNEKER, J.

DATE : 21.01.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with Crime No. 0424 of 2024, registered at Satara Police Station, District Aurangabad, for the offences punishable under sections 333, 74, 352, 351(2), 351(3) of Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 POCSO Act 2012.

3] It is the case of the prosecution that, the complainant i.e. respondent No.2 alleged that, on 23.09.2024, when she was alone in the house around 3.00 p.m., one Mosin, who resides in the same lane where she resides, knocked the door of her house loudly and said “ki tumari light hai kya,” when she told him yes, there was

electricity, he asked her to open the door, being a street dweller, she opened the door. He immediately entered the house and took her to the backside room and closed the door while she was saying uncle “aap ye kya kar rahe hai” then he put his hand over her mouth and told her not to make any noise. It is alleged that, he pull her close and hug her and touch her body and kiss her lips and pressed her chest. It is further alleged that, he tried to remove her clothes so that she could have sex with him and at that time she shouted loudly, then he ran away from the house. Then she tried to call her mother. Her mother came home at 8.00 p.m., when she informed her mother about the incident.

4] The learned counsel for the applicant submits that the F.I.R is registered against the different person. The name of the present applicant is Mr. Ahmed Khaleel Syed. The applicant is the neighbour of the informant. The learned counsel submits that the name of the applicant is directly added in the charge-sheet.

5] The learned counsel for the applicant relied upon para 5 of the order dated 17.01.2025 passed by the Hon’ble Supreme Court in the case of Musheer Alam vs. State of U.P. and another in Petition for Special Leave to Appeal (Crl) No. 18081/2024 and contends that the investigation is over and further custodial interrogation of

the applicant is not necessary in the matter and therefore, he may be released on anticipatory bail.

6] The learned APP pointed out the statement of the neighbour namely Shahin Amin Beg, which is recorded on 26.09.2024 and submits that statement of neighbour corroborates the version of the complainant and that the identity of the person is clearly visible as the neighbour of the informant.

7] The learned APP submits that the applicant is absconding and therefore, the investigation of the crime is not over against the applicant and interrogation of the applicant is necessary in the matter.

8] In the statement of neighbour of informant namely Shahin Amin Beg, she has stated that on 23.09.2024 at about 4 p.m. when she returned home from duty and was climbing stairs, the informant who was living on the first floor of her building, was crying while walking down from the stairs. When she asked informant why she crying, at that time the informant was not in a position to say anything. Thereafter, she took the informant to her house and when the complainant informed her that the neighbour Mujahid Syed misbehaved with her as mentioned in the complaint. She kept the victim in her house till 8 p.m. and thereafter when the mother of the informant had returned

home, she took the informant to her home.

9] From the above, *prima facie* it appears that the statement of victim is corroborated by the statement of neighbour. The identity of the applicant is clearly established.

10] Considering that, the investigation is pending against the applicant in the matter and the statement of neighbour corroborates the version of the complainant, it is *prima-facie* apparent that the applicant is involved in the crime alleged and thus this is not a fit case to grant anticipatory bail. Hence the present application is dismissed.

11] It is 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.

[ARUN R. PEDNEKER]
JUDGE

PRW