



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

**919 BAIL APPLICATION NO. 2132 OF 2024**

SAYYED ATHAR @ ATHARUDDIN NAIMUDDIN KHATIB

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Satej S. Jadhav

APP for Respondents: Mrs. Vaishali N. Patil Jadhav

Advocate for Respondent No.2 : Ms. Falguni Milind Kulkarni

...

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

**DATE : 01.07.2025**

**P.C. :**

1] Heard.

2] The applicant is seeking bail as he was arrested on 02.08.2024 in connection with Crime No.0278/2024, registered with Paithan Police Station, District Aurangabad, for the offences punishable under Sections 64(2)(f)(i)(m), 65(1), 351(2) (3) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

3] The crime is registered against the applicant by the mother of the victim stating that the applicant is the distant brother of victim's mother and therefore the victim use to call the applicant as *Mama*. Prior to

one month of lodging the report, the applicant came to the informant's house and told her that his wife is pregnant and having pain and asked the informant to send the victim to his house to attend to his wife, therefore the victim went to the house of the applicant. At that time the applicant allegedly committed rape upon her and threatened to kill her if she disclosed the incident to anyone. It is further alleged that again after few days, the applicant had been to the victim's house and committed forceful sexual intercourse with her. It is further alleged that the applicant again took the victim at one Hotel at Hudco and committed rape on her in one room of the the hotel. Based on this information, crime came to be registered under the aforereferred sections.

4] On the basis of the information, the applicant was arrested on 02.08.2024 and he continues to be in jail.

5] The learned counsel for the applicant has produced deposition of the victim, wherein she has resiled from her police statement and has deposed consistent with her statement under Section 164 of Code of Criminal Procedure.

6] Considering the same bail can be granted to the applicant.

7] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in

connection with Crime No.0278/2024, registered with Paithan Police Station, District Aurangabad, for the offences punishable under Sections 64(2)(f)(i) (m), 65(1), 351(2) (3) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 4, 6 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, upon being released on bail, 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 he shall attend each and every date, unless exempted by the trial Court.

d] 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.

e] 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.

8]           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.

9]           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.

10]          The application stands disposed of.

**[ARUN R. PEDNEKER]**  
**JUDGE**

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