



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

25 BAIL APPLICATION NO. 59 OF 2025

**SHAIKH SIRAJ SHAIKH JABBAR
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER**

...
Advocate for Applicant : Mr.R.G.Nirmal
APP for Respondent-State : Mr.G.O.Wattamwar
Advocate for respondent no.2 : Mr.Jitendra Jain [Appointed]
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 09.06.2025

P.C. :

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

2] The applicant is seeking bail as he is arrested on 02.08.2024 in connection with Crime No. 402/2024, registered with Nanalpeth Police Station, District Parbhani, for the offences punishable under sections 64 (1), 65 (2) of the Bharatiya Nyaya Sanhita and Section 4 and 6 of POCSO Act.

3] The case against the applicant is that the victim aged about 8 years, while she was coming from the school, the applicant, who was residing at the backside of

her house, had held hand of the victim and taken her at the backside of saw mill in the bushes of babool. The applicant removed her clothes and put piece of cloth on her mouth and the applicant has committed sexual assault on her. On next date, the victim girl was not interested to go to school, therefore, mother of the victim asked her about the same, then, the victim narrated the incident of sexual assault to her mother. Thereafter, the FIR is registered against the applicant.

4] The learned counsel for the applicant submits that the victim is of tender age and there is no medical evidence in respect of physical relation. He further submits that there is delay of 3 days in lodging the FIR.

5] Perusal of the medical report would indicate that the victim has narrated the aforesaid incident to the Doctor and thereafter Doctor has given provisional opinion that there are signs suggestive of recent vaginal penetration, however, final opinion is reserved until receiving forensic laboratory reports. Considering the statement of the victim and medical opinion, the applicant's *prima facie* involvement in the alleged crime is seen. The offence is grave as such no case is made out for grant of regular bail. Hence, the application for bail is dismissed.

6] It is also clarified that the observations made in this order are limited to the disposal of the present bail application and the trial Court shall not be influenced by the observations made herein above.

7] Mr. Jitendra Jain, learned counsel appointed by this Court to represent the cause of respondent no.2, shall be paid fees of Rs.10,000/- by the High Court Legal Aid Services Sub-Committee, Aurangabad.

[ARUN R. PEDNEKER]
JUDGE

DDC