



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

958 BAIL APPLICATION NO. 786 OF 2025

Ashpak Ayub Pathan

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Rupesh Anil Jaiswal, Abhaysinh K. Bhosle

APP for Respondents-State: Ms. Vaishali N. Patil Jadhav

Advocate for Respondent No.2 : Ms. Smita Chole (Kendre)

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CORAM : ARUN R. PEDNEKER, J.

Dated : June 27, 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 as he was arrested in connection with FIR No.21/2025, registered with Satara Police Station, Chhatrapati Sambhajinagar, for the offences punishable under sections 74, 76, 333 of BNS and Section 8 and 12 of POCSO Act.
3. The FIR has been registered against the applicant by the 13-year-old victim, wherein it is stated that the applicant/accused committed house trespass and outraged the modesty of the victim. At the time of the offence, the applicant was 20 years of age.
4. The applicant was arrested on 18/01/2025 and has been in custody continuously since then. The charge-sheet in the matter has been filed, and

the investigation is complete. The maximum punishment for the alleged offence is seven years.

5. The learned Counsel for the applicant submits that, since the investigation is over and considering that the trial would take substantial time to conclude, bail may be granted to the accused on the condition that he will not enter the Satara vicinity or Aurangabad City except for attending the trial. It is further submitted that the applicant will not communicate with the victim or her family members and will not attempt to influence any witnesses.

6. The learned APP, as well as the learned appointed Counsel for respondent No.2, submit that, considering the age of the victim, bail may not be granted to the accused.

7. Considering that the investigation is complete, the applicant has already been in jail for about six months, the trial is likely to take substantial time to conclude, and also taking into account the nature of the allegations and the fact that the maximum punishment prescribed for the offence is seven years, the applicant is granted 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.21/2025, registered with Satara Police Station, Chhatrapati Sambhajinagar, for the offences punishable under sections 74, 76, 333 of BNS and Section 8 and 12 of POCSO Act, on furnishing PR bond of Rs.25000/- 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.

f] The applicant shall not enter the Satara Area, Chhatrapati Sambhajinagar and Chhatrapati Sambhajinagar except for the purpose of attending the trial.

9. 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.

10. Fees of the appointed advocate is quantified at Rs.10,000/- (in words rupees ten thousand only), to be paid by High Court Legal Services Sub-Committee, Aurangabad.

11. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.