



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

**960 BAIL APPLICATION NO. 793 OF 2025**

Rahemantali Alias Ayyaz Layakali Sayyed

**VERSUS**

The State Of Maharashtra And Another

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Advocate for Applicant : Senior Counsel Mr. Rajendrraa Deshmukkh a/w and  
i/b. Mr. Dodiya Ramankumar Gopal

APP for Respondents-State: Mr. D. J. Patil

Advocate for Respondent No.2 : Ms. Pooja Kishor Apache (Appointed)

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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 in connection with FIR No.0031/2025, dated 12/02/2025, registered with Latur Rural Police Station, District Latur, for the offences punishable under Sections 75 and 137(2) of the *Bharatiya Nyaya Sanhita*, 2023, and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The case against the applicant, as registered on the complaint of the informant, a minor girl aged 14 years, is that she is a student who used to attend Bidave Classes between 3:00 and 4:00 p.m. It is alleged that for the past two months, the accused, Rehamatali @ Ayyaz Layakali Sayyed, aged 42 years, used to stalk her in his car and attempted to talk to her. She ignored him, but the applicant/accused frequently chased her and ultimately acquainted himself with her.
4. She further contended that on one occasion, the applicant/accused

dropped her home from her tuition class in his car. On 12/02/2025, while she was returning from class, the accused again approached her in his car and asked her to sit inside. She refused, but the accused allegedly extended threats and compelled her to enter the car. He then drove to Ambajogai Road and stopped by the roadside. The accused caught hold of her hand. When she tried to escape, some persons arrived, opened the car door, and questioned what was happening. Thereafter, the police reached the spot and took the applicant/accused to the police station. He was arrested on 12/02/2025. The charge sheet has since been filed. The bail application was rejected by Trial Court, and hence, the present application has been filed.

5. The learned Counsel for the applicant submits that the applicant is charged under Sections 75 and 137(2) of the *Bharatiya Nyaya Sanhita*, 2023, and Sections 8 and 12 of the POCSO Act, 2012. He contends that the maximum punishment under Section 137(2) is seven years and is a bailable offence and under the other provisions, the maximum punishment is up to five years.

6. He further submits that there was no sexual assault on the victim and that she had travelled voluntarily with the applicant. According to him, they had stopped by the roadside when some people gathered and handed over the applicant to the police. He also points out that in her statement

recorded under Section 183 of the BNSS, the version given by the victim does not fully corroborate the prosecution story.

7. The learned Counsel further refers to the statements of Rohit Navnath Ghogare and Balaji Balbhim Khune, who stated that the applicant was sitting in the car for about 15-20 minutes near a pan stall. When people approached to see why the car was stopped, the applicant allegedly tried to flee. They noticed the victim sitting inside the car and she was afraid. The people gathered called the police, and the applicant was arrested.

8. The learned Counsel submits that a perusal of these statements indicates that there was consent on the part of the victim to accompany the applicant and travel with him. There was no physical or sexual assault. He further submits that there are no antecedents against the applicant.

9. Per contra, the learned APP as well as the learned appointed Counsel for respondent No.2 submit that the victim is a minor school-going girl who was kidnapped by the applicant, and there is no explanation offered by the applicant as to why she was in the car. They submit that the victim was fortunate that no further incident occurred. However, both of them fairly admitted that there are no antecedents against the applicant.

10. Considering the nature of the offences alleged, the fact that the

investigation is complete, the maximum punishment being up to seven years, and on considering the statements of the victim as well as the witnesses Rohit Ghogare and Balaji Khune, it prima facie appears that the possibility that the victim travelled with the applicant voluntarily cannot be ruled out. At this stage, I am not rendering any conclusive finding on this aspect of the matter.

11. The applicant has been in custody since 12/02/2025 and has undergone more than four months of incarceration. As the investigation is complete, and considering the allegations against the applicant, the applicant is granted bail.

12. 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.0031/2025, dated 12/02/2025, registered with Latur Rural Police Station, Latur, District Latur, for the offences punishable under sections 75, 137(2) of Bharatiya Nyaya Sanhita, 2023, and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, 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 limits of Latur City during the period of bail, except for attending Court proceedings or as permitted by the Investigating Officer.

13. 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.

14 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.

15 The application stands disposed of.

( ARUN R. PEDNEKER, J. )

*vj gawade/-.*