



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.78 OF 2025

Syed Aftab Syed Aasif

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Kotwali, District Akola and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. U. J. Deshpande, Counsel for the applicant.

Mr. M. K. Pathan, APP for the non-applicant No.1/State.

Mr. R. P.Kothari, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 17/03/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.265/2024 registered with Police Station City Kotwali, District Akola for the offences punishable under Sections 137, 74 of the Bharatiya Nyaya Sanhita, 2023 and under Section 8 and 12 of the Protection of Children from Sexual Offences Act, the applicant approached this Court for grant of pre-arrest bail.

2. Initially, the report is lodged on the basis of the statement made by the father of the victim girls on an allegation that the present applicant and other co-accused have kidnapped his two daughters from his lawful custody. During the investigation, the statements of the victim girls were recorded and it revealed that the present applicant has molested one

of the victim girls by inappropriately touching to her private part. On the basis of the said investigation, the crime is registered against the present applicant under Sections 137, 74 of Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

3. Learned Counsel for the applicant submitted that as far as the allegations are concerned, even if it is considered, it appears that the victim girls voluntarily join the company of the present applicant. He submitted that on the pressure of the parents, the statements of the victim girls came to be recorded. As far as the custodial interrogation is concerned, which is not required and nothing is recovered from him.

4. The affidavit filed by the applicant is taken on record.

5. Per contra, learned APP and learned Counsel for the victims strongly opposed the said application on the ground that considering the statements of the victim that the present applicant molested one of the victim girls by inappropriately touching to her private part. The application for grant of anticipatory deserves to be rejected.

6. On hearing both sides and on perusal of the investigation papers as well as the statements of

the witnesses from which it reveals that they were molested by the present applicant as well as by the other co-accused. As far as the present applicant is concerned, there is a specific allegation against him that he has touched to the private part of one of the victim girls inappropriately. Thus, considering the *prima facie* material against the present applicant, the bail application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is rejected.
- (ii) The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)