



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

CRIMINAL APPLICATION (BA) NO.443 OF 2025

Sheikh Salim Sheikh Sattar

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Umarkhed, District Yavatmal 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. M. N. Ali, Counsel for the applicant.
Ms. T. H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/06/2025

1. By this application, the applicant is seeking bail in connection with Crime No.76/2025 registered with Police Station Umarkhed, District Yavatmal for the offence punishable under Sections 75(1)(i), 75(1)(ii), 323 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of report lodged by the mother of the victim girl on an allegation that in the intervening night of 06.02.2025, she heard the shouts of her daughter at about 12.30 a.m., at the relevant time, she woke up and saw that the present applicant was sleeping nearby to the victim girl, who is aged about 14 years and was asking her for the sexual favours. He was

immediately caught at the spot of incident and handed over the police. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that the offence under Section 8 of the Protection of Children from Sexual Offences Act is not made out, as there is no physical touch to the victim. Now the investigation is already completed, charge-sheet is already filed, and further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application and submitted that this act of the present applicant itself is sufficient to show that it was an attempt to force the victim for the sexual intercourse and therefore, the application deserves to be rejected.

5. Heard both sides. Perused the investigation papers, it reveals that the applicant was sleeping along with the victim in one blanket in the midnight. This itself is sufficient to shows the intention of the present applicant. Considering the fact that at 12.30 a.m. the applicant entered in the house and was sleeping near the victim as victim shouted the fact came to the knowledge of the family members and thereafter, the applicant was caught. Though offence is not punishable with imprisonment of more than

five years then also considering the circumstances under which the alleged incident has taken place and there is apprehension of repetition of the said act, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)