



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

CRIMINAL APPLICATION (BA) NO. 641 OF 2025

Yunus Gaffar Saiyyad Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Ankit A. Vastani, counsel with Mr. A.N. Vastani, counsel for applicant.

Mr. Gohokar, APP for non-applicant/State.

Ms. S.H. Bhatiya, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/07/2025.

1. Present application is preferred by the applicant for grant of bail under Section 483 of the Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of a report lodged by mother of the victim, on an allegation that her daughter aged about eleven years, five months and twenty eight days, was subjected for the sexual assault by the present applicant. 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 due to the previous enmity, present applicant is implicated in the alleged offence. As far as further incarceration is concerned, which is not required, as investigation is practically completed and charge-sheet is already filed. Moreover, the offence

under Section 4 of the Protection of Children from Sexual Offences Act, 2012 is not made out, in view of that, he be released on bail.

4. Learned APP and learned counsel for the victim strongly opposed the said application and submitted that, considering the act of the present applicant, which is narrated by the victim before the investigating officer as well as before the medical officer. The consistent statement shows that present applicant attempted to disrobe her thereafter, touch to her private part. Present applicant is aged about 39 years, whereas the victim is only 11 years of old. If he is released on bail, there is every possibility of the repetition of the similar type of the offence. Moreover, considering the nature of the offence that a very small girl was subjected for the sexual assault, the application deserves to be rejected.

5. On hearing both sides and on perusal of the statement of the victim, it reveals that the small girl of 11 years was subjected for sexual assault by the present applicant, not only by attempting to disrobe, but also touching to her private part. Considering the allegations levelled against the present applicant, at this stage, no case is made out for grant of bail. Accordingly, I proceed to pass the following order.

a] The criminal application is **rejected**.

- b] The fees of the appointed counsel be quantified as per rule.

[URMILA JOSHI-PHALKE, J.]