



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

CRIMINAL APPLICATION(BA) NO. 848 OF 2025

Shaikh Mudassir Shaikh Aslam Vs. State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Shaharukh S.Sheikh, counsel for the applicant.
Mr.Aditya Gohokar, APP for the State.
Mr. Abuzain Shaikh, appointed counsel for the N.A No.2.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 16/09/2025

1. The applicant is arrested in Crime No.397 of 2025 for the offences punishable under Sections 74, 75, 78 and 333 of the Bharatiya Nyaya Sanhita, 2023 and for the offences punishable under Sections 8 and 12 of the Protection of Children From Sexual Offences (POCSO) Act, 2012.

2. It is alleged that, on the date of the incident parents of the victim were not at home. The applicant entered into the house and by holding her hand, he tried to misbehave with her. At that time, neighbours saw an unknown person entering into the house of the victim and therefore they went there and thereafter, the accused ran away from the said place. The

incident was narrated by the neighbours to the parents and thereafter, the First Information Report was lodged.

3. The learned counsel appearing for the applicant has stated that the victim and the accused were having love affair. The victim herself called the applicant, when her parents went to marriage place to give the bangles. As the applicant and the victim were caught together, both of them were assaulted by neighbours. The sister of the victim was present in the house. As they were caught together, the report was lodged on the next day. The learned counsel appearing for the applicant has invited my attention to the injury certificate of the victim. There were abrasion and the assault by blunt and hard object. The injuries were fresh in nature. The allegations were not made about the assault by the accused. The applicant has also submitted some whats-app chat to show that they were having love affair and the victim herself has called him. The accused is 22 years of age. Considering the circumstances and the allegations made against the accused, prayed to release him on bail.

4. The learned APP opposed the application stating that the serious allegations are made against the applicant. The statement of the sister of the victim also discloses that he tried to force her. There are injuries because of the said assault by the

accused. The neighbours informed the incident to the parents of the victim and thereafter the crime came to be registered. Therefore, there is delay in registering the crime. Considering the nature of offence, prayed to reject the application.

5. The learned counsel appearing for the victim has stated that the victim is 14 years of age. Her statement shows that he tried to force her when she was alone at home. The statement of her sister is supporting to the prosecution case. Hence, prayed to reject the application.

6. Heard the learned counsel appearing for the applicant, learned APP appearing for the State and the learned counsel appearing for non-applicant No.2/victim.

7. The allegations about sexual assault are made against this applicant. When the victim was alone, the applicant entered into the house and neighbour saw him. Injury certificate of the victim shows that she was assaulted. She has not narrated the incident to her parents, which shows that there is substance in the story narrated by the applicant about assault to both of them by neighbours and love affair between the applicant and the victim. As the neighbours caught the applicant in the house of the victim, the crime is registered. There is no allegation made by the victim about assault and the

injuries are there in injury certificate. The parents have lodged the complaint. As it is out of love affair, and considering the circumstances, the case is clearly made out for grant of bail to the applicant. Criminal application is allowed upon following conditions :-

- ii) Applicant- Shaikh Mudassir Shaikh Aslam be released on bail in connection with Crime No. 397 of 2025 for the offence punishable under Sections 74,75,78,333 of the Bharatiya Nyaya Sanhita, 2023 and for the offences punishable under Sections 8 and 12 of the Protection of Children From Sexual Offences (POCSO) Act, 2012 on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- iii] The applicant shall not enter into the village Vidul, Tq. Umarkhed, district Yavatmal, where the victim is staying.
- iv] The applicant shall attend the concerned Police Station once in a week, and the police Station Officer shall record his presence.
- v] The applicant shall not in any way tamper with the prosecution evidence.

vi] The applicant shall not pressurize or threaten the prosecution witnesses.

vii] The applicant shall co-operate the investigation officer.

8. Fees of the appointed counsel be quantified as per rules.

9. The Criminal Application stands **disposed of** accordingly.

JUDGE