



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.556 OF 2025
(Syed Aftab Syed Aasif Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. M.A. Rajjak Deshmukh, Advocate for the applicant.
Mr. A. Madiwale, APP for the State.
Ms A. Dangre, Advocate for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 25, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.265/2024 registered with Police Station City Kotwali, Akola, District Akola for the offence punishable under Sections 137 and 74 of the Bharatiya Nyaya Sanhita, 2023 read with Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the initial bail application is rejected but now investigation is completed and charge-sheet is filed, his custodial interrogation is not required. In view of that, the applicant be released on bail.

3. He submitted that the report is lodged on the basis of a 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 victims allegedly recorded and it revealed that the present applicant has molested the victim girls by inappropriately touching to their private part, and therefore, the crime was registered. He submitted that now the investigation is already completed. As far as the custodial interrogation is concerned which is not required. In view of that, the applicant be released on anticipatory bail.

4. Learned APP strongly opposed the application and submitted that even if it is considered that the victim girls voluntarily joined the company of the present applicant but on the pressure of the parents, the statements of the victim girls even if considered are to be recorded but as far as the statements of the victim girls are considered which shows that the teenager victim girls are influenced by the present applicant and subjected for the outraging of the modesty by touching inappropriately to their private part, and therefore, the custodial interrogation of the applicant is required. Hence, the application deserves to be rejected.

5. They both have further submitted that the earlier bail application of the applicant is rejected by this Court by considering the investigation and the statements

of the witnesses, and therefore, no change in circumstance is brought on record, and therefore, the application deserves to be rejected.

6. After hearing both the sides and on considering the judgment relied upon by the learned Counsel for the applicant. As far as the present matter is concerned it reveals that on hearing both the sides and on perusal of the investigation papers as well as and the statements of the victims girls and the witnesses, the earlier application was rejected. Now, on considering the statements which are before the Court 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 specific allegation against him that he has touched to the private part of one of the victim girl inappropriately. Thus, considering the *prima facie* material against the present applicant, the earlier bail application was rejected. As far as the change in circumstance is concerned nothing is on record to show that there is some change in circumstance. Mere filing of the charge-sheet cannot be treated as a change in circumstance. As earlier bail application was rejected by this Court considering the investigation which is carried out by the investigating agency.

7. The law in this regard is well settled when a bail application before filing of the charge-sheet is rejected

by considering the material collected during the investigation and merely because the charge-sheet is filed is not sufficient ground to consider the application of the present applicant. The reason behind this principle is simple when a bail application is heard and the Court has rejected the same considering the merits of the matter. Merely because the charge-sheet is filed cannot be a ground to entertain the application. In view of that, the application deserves to be rejected.

8. Hence, the application is rejected accordingly.

9. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)

**Divya*