

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3734 OF 2024**

Asif Yusuf Khan

... Applicant

Versus

The State of Maharashtra & Anr.

... Respondents

Mr. Zeeshan Siddique, Advocate for the Applicant.

Smt. Ranjana D. Humane, APP for the State.

Ms. Anushka Nair, Advocate for Respondent No.2.

API – Shirsat, Vimantal Police Station, Pune, present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 19th JANUARY, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 175 of 2021 registered with Vimantal Police Station, Pune, for the offence punishable under Sections 354, 354(A), 377, 323, 504 and 506 of Indian Penal Code, 1860 (for short “IPC”) and Sections 3(d), 4,8,9, 9(k), 9(l) and 10 of Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”).

2. It is prosecution’s case that the applicant sexually assaulted the minor daughter of first informant on 2-3 occasions.

3. It is contention of learned counsel for the applicant that the applicant is behind bars for more than four years six months. There is no

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progress in the trial. There are no allegations against the applicant of penetrative sexual assault. The maximum sentence for the offences applied against the applicant is of 10 years. The applicant is behind bars for more than four years six months. It may take time to conclude the trial. Hence requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No.2 that the applicant has four antecedents. The applicant is a habitual offender. The first informant was constantly threatened by the applicant. The applicant sexually assaulted the minor daughter of first informant. The victim is differently abled child. If he released on bail, he may threaten first informant, victim and prosecution witnesses. Hence requested to reject the application.

5. I have heard all learned counsel. Perused FIR and documents produced on record. The maximum sentence for the offences applied against the applicant is of 10 years. The applicant is behind bars for four years and six months. There is no progress in the trial. Considering these facts, I pass following order.

ORDER

- i. The applicant be enlarged on bail in C.R.No. 175 of 2021 registered with Vimantal Police Station, Pune,, on executing P.R.Bond of Rs. 30,000/- on furnishing

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one or two sureties in the like amount.

- ii. The applicant shall attend the concerned police station as and when required.
- iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- iv. The applicant shall not enter Pune City till recording evidence of first informant and victim except attending Court dates.

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)