

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 900 OF 2015

Tausif Shabbir Sayyed

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Anand Harminder Singh for Applicant

Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 20th JULY 2015

PC :

Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 18/01/2015 in crime no. 35 of 2015 registered at Malwani Police Station for offence punishable under section 354, 354 (A), 354 (B), 342 r/w 34 of Indian Penal Code and section 8 of Protection of Children from Sexual Offences Act, 2012. Investigation is completed and charge-sheet is filed.

2) It is the case of prosecution that on 17/01/2015, the victim lodged a report at the police station alleging therein that she had met one Akbar Khan on social media i.e. on Facebook. They used to chat regularly. Akbar Khan was working as salesman in Natraj Market. She had met the applicant. On 02/01/2015, she had started chatting with Akbar Khan on Facebook. They

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were exchanging messages such “I like you”, “I love you” etc. On 13/01/2015, she met Akbar Khan near Arts college. Complainant was on her way to her sister's house. Akbar Khan requested complainant to go for a ride. She had willingly and voluntarily agreed to accompany him. They had gone from one place to another. They have reached Marve beach. At that time, present applicant is alleged to have met them. He was driving Honda City Car. Akbar Khan and present applicant happened to be good friends. They had consumed alcohol. Thereafter, they had left in the car of present applicant. Complainant was requesting applicant and Akbar Khan to drop her at her place. She was detained in the car by Akbar Khan. Present applicant was in the driver seat, whereas, Akbar Khan sitting on the rear side of the car. According to her, after sometime, applicant had come on the rear side and had attempted to outrage her modesty. She has narrated the acts of the applicant as well as Akbar Khan.

3) Applicant has been in custody for almost 7 months. The offence punishable under section 8 of the Protection of Children from Sexual Offences Act, 2012 is punishable up to 5 years and shall not be less than 3 years. Taking into consideration this aspect, applicant deserves to be enlarged

on bail upon imposing certain conditions. It is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report to the concerned police station on first Sunday of every month between 10.00 a.m. to 01.00 p.m. till the conclusion of trial.
- (iv) Applicant shall not visit Malvani till the conclusion of trial.
- (v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)