

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2065 OF 2015

Sahidali @ Saheba Ansari Khan

...Applicant

Versus

The State of Maharashtra

...Respondents

...

Mr. Pandit Kasar for the Applicant.

Ms Veera Shinde, APP for the Respondent- State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 2nd DECEMBER, 2015.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who has been arrested in Crime No.120 OF 2015 registered with Chinchwad Police Station, Pune, for the offences punishable under sections 376 (2 (N), 376 (D) and 384 of the Indian Penal Code and sections 3, 4, 5 (L) (g), 6 of the Protection of Children From Sexual Offences Act 2012.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent -State.

3. The learned counsel for the Applicant has submitted that the victim has given three inconsistent statements and that they are not

reliable and further stated that though the mobile of the Applicant was seized, no obscene pictures as alleged have been retrieved from the said mobile. He has further stated that there is no material on the record to show that the Applicant has received any money from the victim. He therefore, submits that the Applicant has been falsely implicated in the said case and hence, he should be released on bail.

4. The learned APP submits that the victim is a minor girl and her statements revealed that the Applicant herein had physical relations with her. Her statements further revealed that the Applicant herein had blackmailed her paying money by threatening her of making public the photographs taken by him. She has further stated that that the offence is of serious nature and that the Applicant is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. Undisputedly the victim is a minor girl and a child within the meaning of section 2 (d) of the Protection of Children from Sexual Offences Act, 2012. Her statement prima facie reveals that the Applicant had befriended her and that he had sexual intercourse with her on several occasions. The statement of the victim

further reveals that thereafter the Applicant had told her that he had taken her nude pictures and demanded money from her by threatening her to post the pictures on social media. The extract of the whatsapp messages also prima facie reveals that the Applicant herein had been demanding money from the victim. This is further fortified by one of the witness.

6. It is true that there is some variation in the statement of the Applicant as regards the involvement of the Rakeshkumar Lakhotia. However, prima facie there is no such material variation as regards the involvement of the Applicant in committing such a crime. The records prima facie reveal that the victim is a minor girl and the offence is of a serious nature. Trial has not yet commenced and the evidence of the victim and of the other material witnesses is not yet recorded. Considering the age of the victim and the nature of the offence, the possibility of the Applicant interfering with the victim cannot be ruled out.

7. In the light of the above facts and circumstances, the Applicant is not entitled for bail at this stage. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)