

Zuber Ahmed Khalifa . . . . Applicant  
Vs.  
State of Maharashtra . . . . Respondent

**CORAM:** P.D. KODE, J.

**DATED:** JANUARY 15, 2015

**P.C:**

1. The prayer for bail made by the applicant/accused charge-sheeted by Satpati Police Station, District Palghar in Crime No.I-32 of 2014 for commission of offences under Sections 354A, 504 and 506 r/w Section 34 of the IPC r/w Sections 8 and 12 of POCSO Act has been objected by learned APP in view of such acts being allegedly committed by the

applicant in respect of two small girls, aged 6 and 7 years. Learned counsel for the applicant has prayed for bail on the ground that the offences for which the applicant is charge-sheeted are not punishable with imprisonment for more than five years; the applicant has been in custody for about four-and-half months and it is unlikely that his case will come up for hearing soon in the near future.

2. A perusal of the charge-sheet do reveal, prima facie, the material collected during the course of investigation showing involvement of the applicant in commission of said acts with respect of the two minors of the age, as pointed above. However, considering the nature of the acts allegedly committed, it appears that same apparently appears to be committed in an anxiety of knowing the sex rather than satisfying lust. Having regard to

it and as the apprehension expressed - that evidence would be tampered - can be taken care of by imposing suitable conditions, the prayer deserves consideration.

3. In view of the above, the application is allowed. The applicant is directed to be released in the above said crime number on furnishing P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) with one or two sureties to make up like amount and subject to conditions that after his release the applicant shall (i) not enter the area of Shirgaon nor indulge in any attempt of coming across with the victim girls or their parents or any of the other prosecution witnesses, much less pressurizing, threatening and/or coercing them in any manner; (ii) inform his place of residence to the I.O. and shall attend the local police station for said area on every Monday and Saturday in between 11:00 a.m. and

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1:00 p.m. until further orders; and (iii) not misuse the bail granted vide this order for fleeing away or for committing any further offence.

4. The application accordingly stands disposed of.

(P.D. KODE, J.)