

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2239 OF 2015

Hussain Ali Shaikh	..Applicant
-Versus-	
State of Maharashtra	..Respondent

Mr.M.J.Reena Rolland for applicant.
Ms.M.H.Mhatre, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 18th November 2015.

P.C.

1] The applicant, father of the complainant has been charged with an offence punishable under section 354, 342, 506 of the Indian Penal Code read with section 7, 8 and 12 of Protection of Children from Sexual Offences Act, (POSCO) vide C.R.No.45 of 2015 registered with Malwani police Station, Mumbai.

2] On the basis of the complaint given by the minor daughter of the applicant dated 21st January 2015, which is treated as F.I.R., the applicant has been arrested and is in custody. The facts mentioned by the victim in her F.I.R. need not be reproduced here while

deciding the present application for bail. Suffice it to say that on the basis of the allegations made by the victim, who was minor at the relevant time, the present offence has been registered against the applicant.

3] After completion of investigation, the police submitted the charge sheet before the court of competent jurisdiction. The statement of the victim has been recorded on 25/2/2015 under section 164 of Cr.P.C. In her statement dated 25th February 2015, recorded by the Metropolitan Magistrate, Andheri, Mumbai she has absolved the applicant from the alleged act and has stated that the F.I.R. has been lodged at the instance of the workers of one NGO who prompted her to do so.

4] In view of the statement made by the victim before the Metropolitan Magistrate under section 164(1) of the Cr.P.C., I am inclined to grant bail to the applicant.

Hence, the following order:-

- (i) The applicant shall be released on bail on his furnishing the P.R.Bond of Rs.15,000/- with one solvent surety in the like amount;
- (ii) The applicant shall report to the Malwani police station, Mumbai on first and third Monday of every Month during the pendency of trial;
- (iii) The applicant shall not tamper with the evidence and/or influence the witnesses.
- (iv) The application is allowed in the aforesaid terms.

(A.S.GADKARI, J)