

Mohammed Nasrullah @ Guddu		
Nazbuddin Shaikh		Applicant
Vs.		
The State of Maharashtra		Respondent

CORAM: P.D. KODE, J.

DATED: JANUARY 15, 2015

P.C:

1. The prayer for bail made by accused No.4 in charge-sheet submitted by Malvani Police Station, Mumbai in C.R. No.27 of 2014 against said accused No.4 for, along with three more accused, for having committed offences under Sections 363, 376 and 366A r/w Section 34 of the IPC r/w Sections 3, 4 and 17 of the POCSO Act is objected by learned APP on the

ground of involvement of the applicant in supporting the main charge-sheeted accused No.1 for enticing, kidnapping the victim girl and ravishing her by taking her to Uttar Pradesh is found borne from the material collected during the course of investigation. It is submitted that the applicant had assured the main accused for pretending that the victim girl was a major for performing marriage and the applicant would be looking after that the police does not intervene in the matter.

2. Learned counsel for the applicant has pressed the prayer for bail on the ground that hardly there is any material in the charge-sheet showing nexus of the applicant in rendering such support and the material in the charge-sheet being confined of his name being mis-used by the other co-accused. It is submitted that there is no legal evidence

collected during the course of investigation regarding involvement of the applicant and the other two co-accused, i.e. charge-sheeted accused Nos.2 and 3 being released on bail, investigation being complete, his prayer for bail be considered.

3. Upon specific query made to the learned APP, excepting the statement of the victim girl, the learned APP has not pointed out any material showing involvement of the applicant. An apparent glance to the material in the statement of the victim girl does not reveal any act directly committed by the applicant prima facie supporting the allegations levelled against him. Needless to add, there is no material in the charge-sheet of involvement of the applicant directly in the commission of offences under Sections 363, 376 and 366A of the IPC. Having regard to it, his

prayer for bail deserves consideration.

4. Resultantly, the application is allowed. The applicant is directed to be released on bail in the above said crime number on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one or two sureties to make up like amount and subject to conditions that after his release the applicant shall (i) stay at the address mentioned in the application and shall not change the same without permission of the Court; (ii) attend the I.O. on every first Monday in between 11:00 a.m. to 1:00 p.m. until further order; (iii) not indulge in activity of tampering, threatening, coercing, intimidating or pressurizing the prosecution witnesses in any manner; and (iv) not misuse the bail granted vide this order for fleeing away or for committing any further offence.

5. The application accordingly stands
disposed of.

(P.D. KODE, J.)