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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 116 OF 2016

Parvez Khan s/o Munir Khan Inamdar Vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Rafique A.Shaikh for the Applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 20th January, 2016

P.C.

1) The applicant is seeking bail in CR No.438/2015, dated 8.11.2015 registered with Nagpada Police Station under sections 354 354(A), 354(D) of IPC and under sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. With a view to conceal the identity of the victim and in pursuance of the mandate of section 228-A of the IPC, the name and details of the incident are hereby avoided while narrating the facts. Suffice it to say that the victim in her statement dated 8.11.2015 has narrated the facts about the alleged sexual assault on her as contemplated in the aforesaid sections.

2) The record discloses that the police after completion of the investigation have submitted the final report as contemplated under section 173 (2) of Criminal Procedure Code. The applicant is arrested on

13.11.2015 and since then he is in jail. It appears that the maximum punishment in the present crime is five years. The applicant is 24 years of age. The learned counsel for the applicant submitted that the concerned Educational Institute has already removed the applicant from its services and if the applicant is released on bail, he will abide by all the conditions imposed upon him.

3) The learned APP, on the other hand, submitted that if the applicant is released on bail, he may threaten the victim girl and/or her family members. She further expressed apprehension that the applicant may also tamper with the evidence.

4) I have perused the charge-sheet and it prima facie appears from the statement of the victim girl and other witnesses that the act committed by the applicant is not an aggravated offence. However, according to me, the apprehension of the prosecution can be taken care of by imposing strict conditions on the applicant while releasing him on bail. In view of the same, I am inclined to release the applicant on bail.

Hence, the following order :

ORDER:-

(a) The applicant shall be released on bail in CR No. 438 of 2015 registered with Nagpada Police Station, Mumbai on his furnishing a PR. bond of Rs.25,000/- with two solvent local sureties in the like amount;

(b) After his release from jail, the applicant shall not enter

the jurisdiction of Mumbai Police Commissionerate;

(c) The applicant shall submit the documents pertaining to his residence where he intends to reside after release from jail. The applicant is permitted to enter the jurisdiction of Mumbai Police Commissionerate only for the purpose of attending the Sessions Case No. 624/2015 arising out of FIR No. 438/2015 registered with Nagpada Police Station between 10:00 a.m. to 5:00 p.m. After attending the Court work, the applicant shall withdraw himself from the jurisdiction of Mumbai Police Commissionerate immediately;

(d) Any two consecutive defaults in attending the Court will make liable the applicant for his cancellation of bail;

(e) The applicant shall not tamper with the evidence and/or influence the witnesses;

(f) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)