

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

BAIL APPLICATION NO.674 OF 2016

Majjidkhan Jafarkhan Pathan

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Kuldeep S. Patil for the Applicant.

Mrs. A.A. Mane, APP for the Respondent -State.

Mr. Ramkrishna S. Patil, PSI, Aalandi Police Station, Pune
(rural), present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE :4th MAY, 2016.

P. C. :

This is a second bail application filed by the aforesaid Applicant, who is facing trial in Special Case No.33 of 2005 on the file of Additional Sessions Judge, Khed-Rajgurunagar for offence under section 376 (2) of the IPC and section 6 of the Protection of Children from Sexual Offences Act, 2012. The previous bail application No.2433 of 2015 was withdrawn with liberty to file fresh application after receipt of the C.A. Report. The present application has been filed after receipt of the C.A. report.

2. I have perused the records and considered the submissions

advanced by Mr. Kuldeep Patil for the Applicant and Mrs. A.A. Mane, APP for the Respondent -State.

3. The records prima facie reveal that pursuant to the FIR dated 28.8.2015 lodged by Rohini Ingole, C.R. No.124 of 2015 was registered with Alandi Police Station, District-Pune. The complainant had alleged that on 24.8.2015 while she was bathing her minor daughter, who was about 3 & ½ years old, she noticed some sticky substance on her private parts. Later on the victim girl informed her that person residing near her house shown the victim his mobile phone and thereafter sexually abused her. In pursuant to the said FIR aforestated crime came to be registered. The Applicant was arrested and after completing the investigation, charge sheet has been filed. The victim girl was examined on 28.8.2015. The medical report indicates that there were no external injury on the genitals of the victim girl. The C.A. report also prima facie indicates that no blood or semen was detected on the clothes of the accused as well as the victim. The material on record does not prima facie indicate that any of the witnesses, whose statements were recorded under section 161 of the Cr.P.C. had seen the victim girl either going to the room of the Applicant or coming out of the room of the Applicant on the relevant

date. In the light of the aforesaid facts and circumstances, in my considered view the Applicant is entitled for bail.

4. The application is allowed. The Applicant is ordered to be released on bail on the following terms and conditions:

(i) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.30,000/-(Rupees Thirty Thousand only) with two sureties to the like amount to the satisfaction of Additional Sessions Judge, Khed- Rajgurunagar.

(ii) The Applicant shall report to the Alandi Police Station, District-Pune between 10.00 a.m. to 1.00 p.m. on first Monday of every month till completion of the trial.

(iii) The Applicant shall not visit the house of the complainant or enter within the radius of 1 km from the house of the complainant.

(iv) The Applicant shall not interfere with the complainant, victim or any other witnesses or shall not tamper with the evidence in any other manner.

(v) The Applicant shall appear before the Sessions Court, Khed- Rajgurunagar on each and every date of the hearing of the case.

(ANUJA PRABHUDESSAI, J.)