

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 848 OF 2016

Liyakat Noor Mohd. Vs. The State of Maharashtra & anr.

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. Ayaz Khan for the applicant.

Ms. J.S. Lohokare, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 14th September, 2016

P.C.

1) This is an application under Section 439 of the Cr.P.C. for bail in CR No.1/2016 registered with Dongri Police Station Mumbai under Section 363, 354, 341, 114 read with 34 of the Indian Penal Code and under Section-8 of the Protection of Children from Sexual Offences Act.

2) The first information report is lodged by Shri. Mohd. Shahid Atharali Shaikh the father of the victim girl. It is the precise case of the first informant that the applicant abducted his daughter and committed the offence as contemplated under Section 354 of the I.P.C. After the lodgment of the FIR the police recorded the statement of the victim girl who was at the relevant time aged about 13 years. The applicant was apprehended by the people from the vicinity and was handed over to the police on 1.1.2016. The applicant is in custody of the police

since 1.1.2016. After completion of investigation the police have submitted the charge sheet in the Court of competent jurisdiction.

3) The learned counsel for the applicant submitted that in the present crime Section 354 of the IPC is the only section which is non bailable and for the same a maximum punishment of 7-years is prescribed. He further submitted that the applicant is hardly 19 years of age and there are no antecedents at his dis-credit.

4) I have perused the charge sheet annexed to the application. It appears from the statement of the victim girl and other statements that the witnesses did not try to rescue the victim girl when she was alleged to have been abducted by the applicant. The maximum sentence prescribed for the offence alleged against the applicant is upto 7 years. The applicant is in Jail since 1.1.2016 and there are no antecedents at his dis-credit. In view of the above, the applicant has made out a case for his release on bail.

Hence, the following order.

a) The applicant be released on bail in CR No.1/2016 registered with Dongri Police Station on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After his release from Jail the applicant shall attend the Dongri Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 2.00 p.m.

till conclusion of the trial.

c) The applicant shall also attend all the dates before the Trial Court.

d) Any two consecutive defaults in attending the Trial Court shall attract the proceedings under Section 439(2) of the Cr.PC.

e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)