

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

ANTICIPATORY BAIL APPLICATION NO. 776 OF 2016

Asim Azim Shaikh	... Applicant.
Versus	
The State of Maharashtra	... Respondent.

Mr. Vaibhav Bagade for Applicant.
Ms. S.S. Kaushik, APP for State.
Mr. Sunil Yadav, Police Inspector, Oshiwara Police Station present.

CORAM : A.S. GADKARI, J.
DATE : 15TH OCTOBER, 2016.

P.C. :

- 1] The applicant was granted interim relief by an order dated 12th May, 2016.
- 2] The learned counsel for the applicant submitted that in the present crime initially Sections i.e. Sections 279, 323, 337, 504, 506, 509 read with Section 34 of the Indian Penal Code were applied which are bailable offences. He submitted that in the First Information Report (FIR) dated 27/09/2015, the complainant Ms. Jenny James Barla has given her age as 19 years and in her supplementary statement dated 29/09/2015 she has stated her age as 16 years. He

submitted that in view of the supplementary statement given by the first informant the Police have now applied the provisions of Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. He submitted that reduction/change in age of the complainant is an after thought and it is only because of the same, the stringent provisions of the POCSO Act are now applied to the crime.

3] After perusing the FIR, the Supplementary statement of the complainant and the papers of investigation, I find substance in the submission of the learned counsel for the applicant.

4] In view of the above, the interim relief granted by order dated 12th May, 2016 is hereby confirmed.

5] Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)