

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1143 OF 2016

Mohammad Zulfikar Farukh Khan .. Applicant
Versus
The State of Maharashtra .. Respondent

Ms.Aneeta M. Vasani, Advocate for the applicant.

Mrs.Rutuja Ambekar, APP for the Respondent State.

CORAM : PN. DESHMUKH, J.

DATED : 12th JULY 2016

P.C. :

1 Heard learned counsel for the parties.

2 Learned counsel for the applicant has submitted that applicant involved in Crime No.723/15 is arrested on 23rd November 2015 on which day offence came to be registered, and since that day, he is in jail. It is, therefore, contended that as investigation is complete and charge-sheet is filed, there is no purpose in keeping the applicant behind the bars. Application is therefore prayed to be allowed.

3 Learned APP has opposed the application that there is direct evidence against the applicant who is found involved in outraging modesty of a woman who is a minor.

4 Perused the documents made available by the learned APP. From the report lodged by ASI Vijay Rane dated 23rd November 2015, it reveals that on the basis of information received by police from one Mohd.Sarvar, police officials arrived on the spot where applicant was found indulged in outraging modesty of prosecutrix by occupying auto-rickshaw, and was thus apprehended and subsequently arrested in the present crime which came to be registered on the basis of report by ASI Rane.

5 During the course of investigation, statement of prosecutrix came to be recorded wherein she has specifically involved the applicant to have indulged in such act by taking her in his rickshaw on the pretext for a ride to Bandstand, and while in rickshaw, he removed her clothes and outraged her modesty.

6 From the birth certificate of prosecutrix, she appears to be a minor girl aged 15 years on the day of incident. In addition to statement of prosecutrix, there are statements of eye witnesses including of Mohd. Sarvar, who has given information to police establishing involvement of applicant.

7 Having considering the available material against the applicant, and considering the fact that he is involved in an offence involving minor girl aged 15 years, no case is made out for grant of bail.

8 Application is rejected.

(PN. DESHMUKH, J)