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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1953 OF 2015

Imran Akbar Khan 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 Nilesh Tank i/by Maharashtra Law Associates for the applicant.
Ms P.P.Shinde, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 29th February, 2016

P.C.

1) The applicant is seeking bail in CR No. 36/2015, dated 20.3.2015 registered with Aarey Police Station, Mumbai under sections 366(A), 376(d), 377, 323, 504, 506 of IPC, under section 5 (g) 5 (gh) of the Prevention of Immoral Trafficking Act and under section 48 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2) The First Information Report (FIR) is lodged by the victim girl who is a minor. With a view to protect the identity of the said victim girl and in view of the provisions of Section 228-A of the IPC, reproduction of the material facts mentioned in the FIR is hereby avoided. Suffice it to say that on the basis of the statement dated 20.3.2015 given by said minor victim girl the FIR is lodged. In the FIR the complainant has stated that, on 2nd June, 2013 at about 2:00 p.m. the applicant who is the friend

of principal accused Sanjiv committed the acts as contemplated under section 376 and 377 of the IPC against the complainant. After completion of investigation, the police have filed the charge-sheet against various accused persons. The applicant is arrested on 27.3.2015.

3) The record discloses that the supplementary statement of the complainant has been recorded on 8.7.2015 by the lady police officer in the presence of a Probation Officer attached to Rescue Foundation. In her supplementary statement i.e. the victim girl has categorically stated that the present applicant was aware of the fact that other accused persons had committed sexual assault on her but he did not indulge into the said activity. That the name of the applicant has been stated in the said FIR at the instance and behest of her uncle (husband of mother's sister). In her supplementary statement given before a lady police officer and the probation officer as stated herein above she has exonerated the present applicant from all the acts as allowed. In view of the same, the applicant has made out a case for his release on bail.

4) Hence, the following order :

ORDER:-

(a) The applicant shall be released on bail in CR No.36/2015 registered with Aarey Police Station, Mumbai on his furnishing a P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

(b) After release from jail, the applicant shall attend

Aarey Police Station on every 1st Monday between 10:00 a.m. to 12:00 noon;

(c) The applicant shall also furnish the documents pertaining to his proof of residence to the Aarey Police Station and also to the Trial Court;

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

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

(A.S. GADKARI, J.)