

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

BAIL APPLICATION NO. 2263 OF 2016

Masiullah Rehan Hakimullah Shaikh	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

Mr. Shafqat Husain a/w Mr. Farooq A. Chowdhary Advocate for the Applicant.

Mr. A.S. Patil, A.P.P. for the Respondent – State.

CORAM : N.W. SAMBRE, J.

DATED : 17th NOVEMBER, 2016.

P.C. :

1 The applicant is seeking regular bail in Crime No.344 of 2015 for the offences punishable under sections 363, 377 of I.P.C. r/w, 4 and 12 of the POCSO Act.

2 It is not in dispute that the investigation in the matter is already complete and the charge sheet is filed. There are no criminal antecedents.

3 The investigation papers particularly the medical papers in relation to the victim does not support the commission of crime by the applicant. The doctor has opined that as no Anal tear is present and victim boy has normal Anus.

4 In view of above, particularly having regard to the fact that there are no criminal antecedents, investigation in the matter is complete and case of the prosecution is not supported by any medical evidence, it will be appropriate to order release of the applicant on following conditions :-

- a) Applicant to execute P.R. Bond of Rs.25,000/- with one surety in the like amount.
- b) Not to tamper with evidence or influence the witness.
- c) Three consecutive absence before the trial Court entail it take out proceedings for cancellation of bail.

(N.W. SAMBRE, J.)