

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1101 OF 2017

1. Shaikh Saddam s/o Shaikh Moosa,
Age: 23 years, Occu: Education
 2. Imroz Shah @ Immu s/o Ahmed Shah,
Age: 23 years, Occu: Labour,
Both resident of Narsi (Namdeo),
Tq. & Dist. Hingoli
- ..APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Station, Narsi (Namdeo),
Tq. & Dist. Hingoli
 2. The Superintendent,
Police, Hingoli, Dist. Hingoli
- ..RESPONDENTS

Mr H. I. Pathan, Advocate for applicants;
Mr K. N. Lokhande, Addl. Public Prosecutor for respondents

CORAM : N. W. SAMBRE, J.

DATE : 8th March, 2017

ORAL ORDER

Heard.

2. By the present application under Section 438 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.7 of 2017, registered with Police Station Narsi (Namdeo), Tq. & Dist. Hingoli, for offences punishable under Sections 354, 448, 323, 504 read with section 34 of the Indian Penal Code and under Sections 7 and 8

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of the Protection of Children from Sexual Offences Act.

3. The bail is opposed by the learned Addl. Public Prosecutor on the ground that the statement of Shaikh Subhan, the uncle of the victim has named the present applicant.

4. Perusal of the narration by said witness Shaikh Subhan speaks of the narration to him by the victim Shahanoor about alleged sexual assault by Saleem.

5. The present applicants are not named with any specific role in commission of the crime in question.

6. It is informed that accused Saleem is already released on bail. In view thereof, the applicants deserve to be released on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.7 of 2017, registered with Police Station Narsi (Namdeo), Tq. & Dist. Hingoli, for offences punishable under Sections 354, 448, 323, 504 read with section 34 of the Indian Penal Code and under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, they be released on bail, on each of them furnishing P.R. Bond of Rs.25,000/- with one or two sureties for the like amount.

(3)

The applicants shall attend the Investigating Officer on 21st and 22nd March, 2017, between 10.00 a.m. and 12 noon and thereafter as and when called.

The applicants shall not take any steps to influence the prosecution witnesses or tamper with evidence.

Criminal Application stands allowed in above terms.

(N. W. SAMBRE, J.)

amj