

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

CRIMINAL APPLICATION NO. 1749 OF 2017

Abdul Karim Hamid Shaikh @ Bablu Painter.. Applicant
Age. 40 years, Occ. Labourer,
R/o. Hawaldar Fali, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

Versus

The State of Maharashtra .. Respondent

Mrs. S.T. Kazi, Advocate for the applicant.
Mr. S.M. Ganachari, A.P.P. for respondent/State.

**CORAM : T.V. NALAWADE, J.
DATED : 26.04.2017**

P.C. :-

1. This application is filed for bail. Statement was made by learned Counsel for the applicant that this is the first application filed for bail in this Court. Both the sides are heard. The papers of investigation were made available for perusal of this Court.

2. The Crime at C.R. No.63 of 2017 was registered in Akkalkuwa Police Station, Dist. Nandurbar, for offences punishable under section 377 of the Indian Penal Code and under some provisions of the Prevention of Children from Sexual Offences Act, on the basis of report given by mother of the victim boy. The allegations are

made that on 08.02.2017 when the informant was not at home, her son aged about three years had visited the residential place of the present applicant and there the present applicant had committed unnatural offence against the boy. This information was supplied to the first informant by the wife of the applicant as per the contents of the F.I.R. Due to this information supplied, the F.I.R. was given and the crime was registered. The report of medical examination shows that no injury at all was found on any part of body of the victim boy. The MLC is produced, which is signed by the Medical Officer – Dr. Wasave of Nandurbar.

3. In view of the nature of allegations made in the F.I.R., it can be said that it is necessary for the prosecution to show that wife of the applicant has given some statement in support of the allegation, but there is no such statement and she is not supporting the aforesaid version of the first informant. The applicant is behind the bar since 27.02.2017 and as it is not certain as to how much time will be required for disposal of the case, it is not desirable to keep the applicant behind the bar till disposal of the case.

i. In the result, the application is allowed.

ii. The applicant - Abdul Karim Hamid Shaikh @ Bablu Painter be released on bail in connection with Crime No.63 of 2017, registered with Akkalkuwa Police Station, Dist. Nandurbar, for the offences punishable under section 377 of the Indian Penal Code and sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012, on his furnishing PR & SB of Rs.15,000/- (Rupees Fifteen Thousand).

iii. The applicant is not to tamper the prosecution witnesses and he is not to commit similar offence.

[T.V. NALAWADE, J.]