

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

CRIMINAL BAIL APPLICATION NO. 210 OF 2017

Mohammed Sajid Mohammed Hussain Shah	..Applicant
Vs	
The State of Maharashtra	.. Respondent

Ms. Shaikh Nuzhat Mehboob for the Applicant.
Mr. Arfan Sait, APP for State.
Mr. E. B. Auti – PSI, Kandivali Police Station.

CORAM : A. S. GADKARI, J.
Date : 10 APRIL 2017.

P.C. :

1. This is an application under section 439 of Cr.P.C. for bail in C.R. No. 55/2016 dated 11th February 2016, registered with Kandivali Police Station under section 354 (A), 376 of I.P.C. r/w 4 of the Protection of Children from Sexual Offence Act, 2012 (POCSO).
2. The first information report is lodged by the mother of the victim girl. The victim girl was aged about 5 years on the date of incident. With a view to protect the identity of the victim girl and in consonance with the provision of the section 228-A of Indian Penal Code, the material facts revealing identity of the victim are hereby avoided. Suffice it to say that on the basis of the incident narrated by the victim girl to her mother, the present crime is registered. During the course of the investigation, the applicant is arrested on 11th

February 2016. After completion of investigation, the police have submitted charge sheet on 4th March 2016.

3. I have perused the charge sheet. The applicant was aged about 18 years on the date of incident. The applicant was arrested after the lodgment of the first information report on 11th February 2016 and for last 14 months he is in custody. After taking into consideration the facts mentioned by the first informant and the statements of the other witnesses so also the age of the applicant on the date of the alleged incident, I am of the opinion that the further incarceration of the applicant in custody is not necessary.

4. Hence the following order:

- (i) The applicant be released on bail in C.R. No.55/2016 dated 11th February 2016, registered with Kandivali Police Station, Mumbai, on his furnishing PR bond Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from jail, the applicant shall not enter the jurisdiction of Kandivali Police Station except marking presentee in the said police station as directed herein below.
- (iii) Before his release from jail, the applicant shall submit documents pertaining to his prospective residence where he intends to reside after his release from jail with the Kandivali police station and also to the trial

court.

- (iv) The applicant shall attend the Kandivali Police Station once in a week on every Monday between 10.00 am to 1.00 pm and for that purpose he is permitted to enter into the jurisdiction of Kandivali Police Station. It is made clear that after marking the presentee, the applicant shall withdraw himself from the jurisdiction of Kandivali Police Station.
- (v) The applicant shall also attend all the dates before the Trial Court.
- (vi) Any two consecutive defaults in complying with the aforesaid conditions, shall entitled the prosecution to file an application for cancellation of bail.
- (vii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (viii) The Application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)