

*Nalawade*

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.244 OF 2017

Abdul Rsheed Samad Mekrani ...Applicant.  
vs.  
The State of Maharashtra ...Respondent.

Ms.Anjli Patil for the Applicant.  
Mr.Arfa Sait, APP for the Respondent-State.  
Mr. Ravsaheb Shinde, PSI from Dahisar Police Station present.

**CORAM :A.S.GADKARI, J.**  
**DATE : 5<sup>th</sup> April, 2017**

P.C.

This is an application under section 439 of the Cr.P.C. for bail in CR No. 420 of 2016 dated 29.10.2016 registered with Dahisar Police Station, Mumbai under Sections 354, 323, 342, 509 of the Indian Penal Code. The first information report is lodged by the mother of the victim girl. With a view to protect the identity of the victim girl and in consonance with the provisions of Section 228A of the IPC. the name of the victim girl and the detailed narration of facts mentioned in the first information report is hereby avoided. Suffice it to say that on the basis of the information given by the victim girl who is aged about 6-years to her mother present crime is registered.

2) During the course of investigation the applicant is arrested on 29.10.2016 and since then he is in jail. After completion of investigation, the police have submitted the charge sheet.

3) A bare perusal of the first information report lodged by the mother of the victim girl and the other statements of the witnesses would reveal that offence under Section 354 is made out and as the victim girl was aged 6 years, the provisions of the Protection of Children from Sexual Offences Act, 2012 are not applied. It further appears from the record that it is because of the cautiousness of the mother of the victim girl the alleged further offence was averted. In view thereof, the applicant be released on bail by imposing stringent conditions.

4) Hence, the following order.

a) The applicant be released on bail in CR No. 420 of 2016 dated 29.10.2016 registered with Dahisar Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

b) 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 Dahisar Police Station and also to the Trial Court.

c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

d) The applicant shall attend all the date of the trial court.

e) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

f) Application is allowed in the aforesaid terms.

**(A.S.GADKARI, J.)**