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

BAIL APPLICATION NO. 440 OF 2017

Amanulla Amir Shaikh	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Aniket Nikam i/b Mr. Chetan S. Damre for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 2nd MAY, 2017.

P. C. :

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in C.R. No. 87 of 2016 registered with Kandivali Police Station, Mumbai under Sections 376, 354 of the Indian Penal Code and 3, 4, 7 and 8 of the Protection of Children from Sexual Offences Act.

2. As the victims in the present crime are minor girls aged about 7 years, with a view to protect their identity and in consonance with the provisions of Section 228-A of the Indian Penal Code, the detailed narration of the facts mentioned in the first information report and the statements of other witnesses are hereby avoided. Suffice it to be noted here that after the victim girls confided the alleged act with their mother, the present crime is registered. During the course of investigation, the applicant was arrested on 08.03.2016. After completion of investigation, the police have submitted charge-sheet.

3. A perusal of the charge-sheet would reveal that in the FIR dated 06.03.2016, the informant did not mention about the aggravated form of alleged offence. However, in the supplementary statement dated 08.03.2016, it is mentioned that the applicant committed aggravated form of offence as defined under Section 375 of the Indian Penal Code. Prima facie, it appears that there is improvement in the statement of the first informant.

4. In view of the above, the applicant has made out a case for his release on bail

Hence, the following order:

- (i) The applicant be released on bail in C. R. No. 87 of 2016 registered with Kandivali Police Station, Mumbai on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent local sureties.
- (ii) Before his release from jail, the applicant shall submit his documents pertaining to his passport, residential address to Kandivali Police Station and in the Trial Court.
- (iii) After his release from jail, the applicant shall not enter the jurisdiction of Kandivali Police Station.
- (iv) After his release from jail, the applicant shall attend the Malad Police Station on every Monday between 11.00 a.m. to 2.00 p.m. for a period of one year from today and thereafter on every first Monday of the month till the completion of the trial.

- (v) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (vi) The application is allowed in the above terms.

[A. S. GADKARI, J.]