

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

CRIMINAL BAIL APPLICATION NO. 852 OF 2017

Mohammad Muzammil Mohammad Tanver ...Applicants
Shaikh & anr.

Versus

The State of Maharashtra ...Respondent

Mr. Fakruddin Khan a/w. Khan Abdul Wahab for the applicant.
Smt. Veera Shinde, APP for the respondent - State.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th AUGUST, 2017.

P.C. :

1. This is an application for bail in connection with C.R. No.124 of 2016 registered with Sakinaka Police Station, Mumbai for the offences punishable under sections 323, 352, 366, 377(d), 377, 506(2) of IPC.

2. The applicants were arrested on 3rd March, 2016. The Investigation is completed and the chargesheet has been filed.

3. The case of the prosecution is that the victim was sexually assaulted by six persons. It is alleged that the victim girl who is aged

about 23 years went for work on 1st March, 2016 and she was returning hour at about 3.00 pm in the night by auto rickshaw. The auto rickshaw driver took her by different way. He brought her near Jarimari, Hari Masjid, Sakinaka as he was not able to find the way. So the victim left the auto rickshaw and started walking to search another auto rickshaw. Three unknown persons came there. All of them took her forcefully in a small room. Three other persons were standing at the said place. She was also threatened and at the point of knife, the victim was raped. The FIR was lodged on 2nd March, 2016.

4. Learned advocate for the applicants submitted that the applicants have been falsely implicated in this case. In the Identification parade, victim has not identified the applicants. There is no other evidence to connect the applicants in the said crime.

5. Learned APP submitted that the C.A. report is still awaited. Even CDR records are yet to be collected.

6. I have perused the documents on record. The applicants are in custody from the date of arrest. Investigation is completed and the chargesheet has been filed. In the identification parade, the victim

has failed to identify the applicants. There is no other evidence on record to show involvement of the applicants in the said crime. Considering the aforesaid circumstances, bail can be granted to the applicants. Hence, I pass following order;

:: ORDER ::

- (i) Bail Application No.852 of 2017 is allowed.
- (ii) The applicants are directed to be released on bail in connection with C.R. No.124 of 2016 registered with Sakinaka Police Station, Mumbai, on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only.) each with one or more sureties in the like amount.
- (iii) The applicants shall attend Sakinaka Police Station, Mumbai once in a month on first Saturday of the month between 11.00 am to 1.00 pm till further orders.
- (iv) The applicant shall not tamper with the evidence and shall attend the trial court during the hearing of the case.
- (v) Application stands disposed of.

[PRAKASH D. NAIK, J.]