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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1380 OF 2017

Imran Akhtar Khan ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.Murtaza Najmi a/w Ms.Shabnam Shaikh i/b Mr.Mehrwan K. Farshed, for the Applicant.

Mr.M.G.Patil, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 9th AUGUST, 2017

P.C. :

1. Heard learned counsel for the parties.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.593 of 2016 registered with the Powai Police Station, Mumbai, for the alleged offences punishable under Sections 354(A)(B) of the Indian Penal Code and under Sections 8 and 12 of Protection of Children from Sexual Offences Act.

3. Learned Counsel for the applicant states that investigation is complete and charge-sheet is filed. He submitted that the applicant is in custody since December, 2016. Learned Counsel for the applicant states that the applicant is ready to abide by any of the conditions that may be imposed by this Court, whilst enlarging him on bail, including the condition of not to enter the area i.e. Andheri, where the victim girl resides.

4. Perused the papers. The complainant is the mother of the victim girl, aged 9 years. According to the complainant, the applicant used to come to her house to sell bread and biscuits and when the victim girl would bend to pick up the biscuits and chips, he would touch her inappropriately on her chest and backside. Pursuant thereto, the aforesaid FIR was lodged by the complainant. 164 statements of the complainant and the victim girl have been recorded. The applicant has no antecedents. The applicant is in custody since December, 2016. Investigation is complete and charge-sheet is filed.

5. In the facts of this case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;

ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

iii) The Applicant shall not enter the jurisdiction of Andheri Police Station, till the conclusion of the trial;

iv) The Applicant shall not leave Mumbai/Thane, without the permission of the trial Court;

v) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any;

vi) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall appear before the trial Court on every date of hearing, except in exceptional circumstances and shall co-operate in the conduct of the trial;

viii) An undertaking to the aforesaid clauses (ii) to (vii), shall be filed by the Applicant, in the trial Court, within one week's of his release;

ix) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide

the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)