

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1702 OF 2017

Karim Khan	...	Applicant
V/s.		
The Sr. Police Inspector & Anr.	...	Respondents

Mr.Mateen Abdul Rahim Shaikh, Advocate for the Applicant.

Mr.A.D.Kamkhedkar, APP for the Respondent/State.

CORAM : A.M.BADAR J.

DATED : 1st NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.44 of 2017 registered with Police Station, Sakinaka, Mumbai for the offence punishable under Sections 354 read with Section 34 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, by this application, is seeking his release on bail during pendency of the trial.

2 Heard the learned Advocate appearing for the
applicant/accused. He argued that the offence is punishable with
imprisonment for one year and the applicant has undergone pre-
trial detention of ten months. Therefore, he is entitled for release
on bail. The learned Advocate for the applicant drew my attention

to the statement of Monika Sharma with whom minor female victims were taking tuition and submitted that considering the nature of crime and quantum of sentence which can be imposed on proof of the offence, the applicant is entitled for bail.

3 The learned Additional Public Prosecutor opposed the application by pointing out the fact that the applicant and co-accused were constantly and continuously watching minor female victims while they were in the bathroom and record of investigation shows that they had committed sexual assault on two female children. As such, they are not entitled for bail.

4 I have carefully considered the rival submissions and also perused the charge-sheet.

5 The crime in question is against two female children. One is aged of ten years, whereas the another is aged of about seven years. Both these female children were taking tuition from Monika Sharma by visiting her house. On 19/01/2017, when both minor female children took a break in tuition for visiting the wash room, the present applicant and co-accused committed sexual assault on them in the bathroom. One of the accused is stated to have touched vagina of one of the minor female victim, whereas the another had caressing the cheek of the another minor female victim. Papers of investigation shows that both accused were

constantly watching the minor female children when they were visiting the washroom since last two or three days.

6 Considering the nature of offence and the manner in which it was committed, I am not inclined to grant bail to the applicant/accused. Hence, the Order :

7 The application is rejected.

8 However, the learned trial Court is directed to expedite the trial of Sessions Case and the same should be disposed of within a period of 8 months from the date of communication of this Order.

(A.M.BADAR J.)