

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

BAIL APPLICATION NO.1432 OF 2018

Wasim Ismail Shekh	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Jayant J. Bardeskar for the Applicant.
Ms Pallavi N. Dabholkar, APP for the Respondent -State.
Mr. Satyaraj S. Ghule, PSI, Ajara Police station present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd SEPTEMBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who has been facing trial in Special Case No.6 of 2018 pending on the file of Special Court, Gadhinglaj, District-Kolhapur, for offences punishable under Sections 354(A) (1) (2), D(1) (1) of the Indian Penal Code, Section 3(1) w(I) (ii), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Mr. Jayant Bardeskar, the learned counsel for the Applicant and Ms Pallavi Dabholkar, the learned APP for the

Respondent -State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The material on record prima facie indicates that the victim girl was 17 years and 2 months of age. The case of the prosecution is that the Applicant herein had disclosed to her that his name was Sandesh Patil and thereafter befriended her and taken her to several places and thereafter outraged her modesty. The statement of the victim, who was on the verge of attaining majority, prima facie reveals that the Applicant was known to her and even after his identity was revealed to her she had accompanied him. She had sent several messages to him and that the FIR was filed only after her maternal uncle had learnt about their relationship.

4. It is to be noted that the Applicant is in custody since 8.12.2017. Investigation is completed and charge sheet has been filed. There is no apprehension of the Applicant absconding or fleeing from justice. Considering the above facts as also the age of the Applicant and also considering the fact that the investigation is completed and that the charge sheet is filed, this is not a fit case to detain the Applicant pending the trial. Hence, the application is allowed on

following terms and conditions:-

- (i) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the learned Sessions Judge, Gadhinglaj.
- (ii) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned Court as well as Investigation Officer.
- (iii) The Applicant shall not change his residential address without prior intimation to the concerned Court as well as the Investigation Officer.
- (iv) The Applicant shall not interfere with the victim and shall not tamper with the evidence in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)