

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

BAIL APPLICATION NO. 2572 OF 2018

Akbar Aamir Shaikh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Pramod Kumbhar I/b. Priyal Sarda for the Applicant.

Mr. A.D.Kamkhedkar APP for the State.

Mr. D.M.Gaikwad, API, Barshi P.Stn.,

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 10, 2018.

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who has been arrested in Crime No.448 of 2018 registered with Barshi Police Station for offences under Section 354-B, 506 of Indian Penal Code and Section 8 and 12 of POCSO Act.
2. Heard Mr. Kumbhar, the learned Counsel for the applicant and Shri Kamkhedkar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The case of the prosecution as disclosed in the FIR lodged by the mother of the victim reveals that on 23rd August, 2018, the applicant had taken her minor daughter to his house and locked the door from inside and thereafter he tried to embrace her and take photograph on the mobile phone. The statement of the victim does not prima facie indicate that the applicant had tried to disrobe her or compelled her to be naked. Hence, prima facie, the provisions of Section 354-B are not attracted. The offence under Section 8 and 12 of the POCSO Act are punishable with maximum imprisonment for a term of three years. The applicant is in custody since 24th August, 2018. It is stated that the investigation is concluded and chargesheet would be filed within 10 days. The presence of the applicant is therefore not required for the purpose of interrogation or investigation. The applicant is a permanent resident of Barshi, and there are no chances of the applicant absconding or thwarting the course of justice. The applicant has no criminal antecedents.

4. Considering all the above facts and circumstances, the application is allowed on the following terms and conditions:-

(i) The applicant who is arrested in Crime No. 448 of 2018

registered with Barshi Police Station, is ordered to be released on bail on furnishing bail bond of Rs.35,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount;

(iii) The applicant shall report to the Investigating Officer of Barshi Police station, and in the absence of Investigating Officer, to the Senior P.I. of Barshi Police Station on first Monday of every month until further orders;

(iv) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer and in the bail bond;

(v) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(vi) The applicant shall not interfere with the victim girl or other witnesses in any manner;

(ANUJA PRABHUDESSAI, J.)