

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 1329 OF 2018**

Mehboob Chand Shaikh

...Applicant.

Vs.

The State of Maharashtra

....Respondent.

Smt. G. Afshan, Advocate for the Applicant.

Smt. J.S. Lohokare, APP, for the Respondent-State.

Shri Santosh Narute, Shivajinagar P.S. Mumbai, present.

CORAM : A. S. GADKARI, J.**DATE : 27th JUNE, 2018.****P.C.:-**

1) This is an application under Section 439 of the Cr.P.C. for bail in CR No. 54 of 2018 dated 6th February, 2018 registered with Shivajinagar Police Station, Mumbai under Sections 354, 354(A), 506 (II) of the Indian Penal Code and under Section 8 and 10 of the Protection of Children from Sexual Offences Act, 2012, now culminated into POCSO Special Case No. 185 of 2018.

2) The First Information Report is lodged by the mother of victim girl. The First Informant is the second wife of the applicant and the victim girl is the step daughter of the applicant. It is the allegation against the applicant when the mother of the victim girl was away from the house, the applicant on the date of incident, inappropriately

touched the victim girl and outraged her modesty. The victim girl informed the said fact to her mother immediately on her return to the house. The applicant was immediately arrested on 2nd June, 2018 in the present crime. The police after completion of investigation have submitted the charge-sheet.

3) After perusing the entire record and after taking into consideration the allegations made against the applicant, `it appears that apart from the aforesaid allegation no other overt act is alleged against the applicant.

4) In view thereof the applicant can be released on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. 54 of 2018 dated 6th February, 2018 registered with Shivajinagar Police Station, Mumbai now culminated into POCSO Special Case No. 185 of 2018 pending on the file of the Designated Judge under POCSO Act, on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;
- b) After his release from Jail, the Applicant shall

attend the concerned Police Station on every first Monday of the month between 11:00 a.m. to 1:00 p.m;

- c) The Applicant shall attend all the dates before the Trial Court unless precluded for medical reasons;
- d) Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellation of bail;
- e) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)