

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

CRIMINAL BAIL APPLICATION NO.1415 OF 2017

Imran Mehboob Ali Shaikh

... Applicant

V/s.

The State of Maharashtra

... Respondent

Smt. Seema Singh for the Applicant.

Smt. J.S. Lohokare for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 15th JANUARY 2018

P.C.:

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.274/2014 dated 09.12.2014 registered with Trombay Police Station, Mumbai under Section 439 of the Indian Penal Code and Sections 4, 8, 12 and 17 of Prevention of Children from Sexual Offences Act, 2012.

2. It is the prosecution case as against the applicant is that, the applicant by giving promise to marry to the victim girl namely Sherbanu @ Zaheda Babu Iqbal Shaikh committed rape on her. That, due to the said sexual assault, the victim girl got pregnant and gave birth to a female

child. It is also the prosecution case that, accused no.3 Smt. Mariyam Aapa induced the victim girl on some false pretext to share bed with accused no.1 Pravin Mhatre and accused no.1 thereafter committed forcibly sexual assault on her. During the course of investigation, the applicant came to be arrested on 24.12.2014 and after completion of investigation, police have submitted charge-sheet.

3. Perused the charge-sheet.

4. The record indicates that the police have conducted DNA test of the baby child of the victim girl namely Sherbanu @ Zaheda Babu Iqbal Shaikh and the same has been compared with the DNA profile of accused No.1 Pravin Mhatre and the present applicant. The DNA report given by the Forensic Laboratory mentions that the present applicant is excluded to be the biological father of the said baby child.

5. In view thereof, the applicant can be released on bail.

Hence, the following order.

(a) The applicant be released on bail in CR No.274/2014 dated 09.12.2014 registered with Trombay Police Station, Mumbai 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. till conclusion of trial.
- (c) The applicant shall attend all the dates before the Trial Court unless precluded by medical reasons.
- (d) 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.)