

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

BAIL APPLICATION NO.2320 OF 2018

Salim M. Shohib Ansari .. Applicant
(At present Mumbai Central Prison)

Vs.

State of Maharashtra .. Respondent

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Ms.Reshma Ganke, Advocate for the Applicant.
Mr.A. R. Patil, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 25, 2018.

P.C. :

This is an application for bail. Applicant is arrested in connection with C.R.No.155 of 2018, registered with RCF Police Station, Thane, for the offences punishable under Sections 354, 354-A, 354(D) and 506 of Indian Penal Code (“IPC”, for short) and Section 10 of Protection of Children From Sexual Offences Act (“POSCO Act”, for short).

2 The case of the prosecution is that on the date of incident, the victim girl had gone to house of the complainant’s sister. After some time the complainant heard that the victim is being harassed by someone. Victim was under fear and crying.

Complainant's sister informed the complainant that the accused was holding victim's hand and he was taking her to terrace. The victim girl was taken in confidence. It is further alleged that the accused had promised the victim that he would give her some money and ice gola if she goes to terrace with him. Applicant was arrested on 19th April, 2018, and since then he is in custody.

2 Applicant preferred an application for bail before the Sessions Court which has been rejected vide order dated 3rd August, 2018.

3 Learned advocate for the applicant submitted that the applicant is not charged with an act of sexual assault. The only allegation is that he caught hold of the hand of the victim child and he was persuading her to accompany him. Investigation is completed and charge-sheet is filed. Further detention of the applicant is not necessary. There are no criminal antecedents against the applicant.

4 Learned APP submitted that the statement of victim girl was recorded under Section 164 of Criminal Procedure Code. In the said statement, the victim has stated that the accused is

residing in the building where her aunt is residing. He caught hold of her hand and was taking the victim to terrace. She managed to get herself released and went to the house of her aunt.

5 Taking into consideration the factual aspects and that the applicant is in custody from 19th April, 2018, the charge-sheet has been filed, the applicant can be released on bail on certain conditions:

:: ORDER ::

- (i) Bail Application No.2320 of 2018, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.155 of 2018, registered with R.C.F. Police Station, Thane, on his furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (ii) Applicant shall report R.C.F. Police Station, Thane, once in a Month on first Friday of the month between 10:00 a.m. to 12:00 noon, till further order;

- (iii) Applicant shall not tamper with the evidence;
- (iv) Applicant shall not reside in the building where the victim child and her family resides;
- (v) Applicant shall inform his residential address to the investigating officer after his release from jail;
- (vi) Applicant shall attend the trial Court proceedings regularly unless exempted by the Court;
- (vii) Bail Application No.2320 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)