

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2539 OF 2017**

Ahmed Razak Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Devmani J. Shukla for the Applicant

Mrs. A. A. Takalkar, A.P.P for the Respondent-State

API Ms. Deepa Virsingh Randhava from Bhandup Police Station, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 12th APRIL, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 478 of 2016 registered with the Bhandup Police Station, Mumbai, for the alleged offences punishable under Sections 363, 354(B), 376, 376(2)(J) and 376(2)(l) of the Indian Penal Code and under Sections 3, 4, 8, 10 and 12 of the Protection of Children from Sexual Offences Act.

3. Perused the papers. The incident took place on 25th November, 2016 when the survivor aged 10 years had gone to a medical shop to purchase balm. It is alleged that when the survivor was returning home, she was taken in a nearby lane in a rickshaw by the applicant and that the applicant kissed her, removed her salwar and unzipped his trouser and sexually assaulted her. It is further alleged that the survivor started screaming, pursuant to which, the people gathered and the applicant was arrested. The complaint was lodged by the survivor's grandmother. A perusal of the statement of the survivor recorded under 161 as well as 164 shows the complicity of the applicant.

4. Considering the *prima facie* material as against the applicant and in particular, the age of the survivor, no case is made out for grant of bail. The possibility of the applicant tampering with the evidence/witnesses also cannot be ruled out. Accordingly, the application is rejected.

5. However, considering the facts of the case, in particular, the age of the girl, who is 10 years old, the trial is expedited. The learned

Judge shall conclude the case as expeditiously as possible and preferably within 6 months from the date of receipt of this order.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.