

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3031 OF 2017
Mohd. Nawab Salimmiya Alam and ors. vs. The State of
Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Ram Upadhyay for the Applicant.

Mr. S.S. Hulke, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 12th June, 2018

P.C.

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in CR No.333/2017 dated 29.7.2017 registered with MIDC Police Station, Mumbai under Sections 376, 354, 506 read with 34 of the Indian Penal Code and Sections 4,6,8 and 12 of the Protection of Children from Sexual Offences Act.

2. The victim girls in the present crime were aged about 13 and 11 years respectively and with a view to protect the identify of the victim girls and in consonance with the provisions of Section 228(A) of the Indian penal

Code and Section 33(7) of the POCSO Act, the names of the victim girls and the detailed narration of facts mentioned in the first information report is hereby avoided.

3. The first information report is lodged by victim girl/prosecutrix aged about 13 years herself on 29.7.2017. It is the prosecution case that, the mother of the victim girls after started residing separately from her husband used to reside with Applicant No.1 at his place. The applicant No.2 is the younger brother of applicant No.1. The applicants by taking undue advantage of the situation used to commit sexual assault on the victim girls for about five years prior to the lodgment of the crime. As the applicants had extended threats of dire consequences, the victim girls did not disclose the said fact to anybody. Subsequently the victim girls disclosed the said fact to one Smt. Saroj who was working in the same establishment where the mother of the victim was working and in the premise, the present crime is registered.

4. A bare perusal of the first information report lodged by victim girl No.1 and the statement of the victim girl No.2

aged about 11 years recorded by lady police officer would indicate the miserable situation faced by them coupled with regular sexual assault faced by the said minor victim girls. It further appears from the record that, the applicant No.1 by indulging into pervert activities sexually assaulted the victim girl No.1. The statements of victim girls are fully reliable and trustworthy and at this stage requires no further corroboration. There is sufficient material on record to show the clear complicity of the applicants in the present matter. The offence as alleged against the applicants is heinous in nature.

5. In view thereof and in view of this Court the applicants do not deserve to be released on bail.

6. Application is accordingly rejected.

(A.S.GADKARI, J.)