

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

CRIMINAL BAIL APPLICATION NO.20 OF 2019

Kafil Shakil Ahmed Shaikh .. Applicant

Vs.

State of Maharashtra .. Respondent

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Mr.Silvin Y. Kale, Advocate for the Applicant.

Mr.M.G. Patil, APP for the Respondent – State.

Mr.Irfan Shaikh, PSI, Andheri Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 18, 2019.

P.C. :

This is an application for bail in connection with C.R.No.117 of 2018, registered with Andheri Police Station, Mumbai, for the offences punishable under Sections 363 376 of Indian Penal Code ("IPC", for short).

2 The complaint was lodged by the mother of the victim and First Information Report was registered for the offence punishable under Section 363 of IPC. Subsequently, the victim was traced and her statement was recorded on 4th April, 2018. In the said statement, she has stated that she was acquainted with one Sahil Shaikh, and, there was physical relationship

between them. In the subsequent statement dated 4th April, 2018, also she has referred to her relationship with aforesaid person. The name of the applicant is not referred in both the statements. However, supplementary statement of the victim was recorded on 9th April, 2018, in which she has stated that she was acquainted with the applicant and they were in love with each other. There were physical relationship between them in May 2017. It is alleged that the applicant-accused has promised her of marriage. There was physical relationship between them on several occasion. The victim is aged about 17 years at the time of lodging the FIR.

3 Learned APP submitted that the DNA Report is still awaited. The victim has conceived and has terminated her pregnancy. Considering the averments in the statements of the victim, it is apparent that the name of the applicant is not reflected in the first two statements and in the subsequent statement she has stated that she was in love with the applicant and there was a promise of marriage, and physical relationship. Applicant is aged about 20 years. Considering the aforesaid circumstances, case for grant of bail is made out.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.20 of 2019, is allowed;
- (ii) Applicant is directed to be released in connection with C.R.No.117 of 2018, registered with Andheri Police Station, Mumbai, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend Andheri Police Station, Mumbai, first Saturday of every month, between 11:00 a.m. to 01:00 p.m.;
- (iv) Applicant is permitted to furnish cash security in the sum of Rs.25,000/-, in lieu of surety, for a period of six weeks from today;
- (v) Criminal Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)