

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

**CRIMINAL BAIL APPLICATION NO. 219 OF 2019**

|                                               |     |            |
|-----------------------------------------------|-----|------------|
| Mohd. Shahanawaz Pirmohamad Shaikh<br>@ Shanu | ... | Applicant  |
| V/s.                                          |     |            |
| The State of Maharashtra                      | ... | Respondent |

- Mr.M.P. Mishra for the Applicant.
- Mrs.G.P. Mulekar, APP for the Respondent.

**CORAM : PRAKASH D. NAIK, J.**

**DATE : 22<sup>nd</sup> FEBRUARY, 2019.**

**P.C. :**

1] This is an application for bail in C.R. No. 274 of 2013 registered with Meghwadi Police Station for the offence punishable under Sections 363, 376, 377 of the Indian Penal Code [*for short, "I.P.C."*] and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 [*for short, "P.O.C.S.O. Act"*]. The investigation was completed and the Charge-sheet was filed. The proceedings are pending before the Special Court vide POSCO Special Sessions Case No. 292 of 2015.

2] The Applicant was granted bail by the Special Court by

order dated 21<sup>st</sup> July, 2015. Since the Applicant was absent on 7<sup>th</sup> August, 2018, the trial Court was pleased to issue non-bailable warrant against him. The warrant was executed on 17<sup>th</sup> October, 2018 and he was produced before the Court. The Applicant had preferred the application for bail before the Special Court which was rejected by order dated 12<sup>th</sup> December, 2018.

3] On perusal of the documents, it is apparent that the Applicant had granted bail on 21<sup>st</sup> July, 2015 on certain conditions. It appears that on 4 occasions the Applicant did not appear before the trial Court. However, prior to issuance of non-bailable warrant, the Applicant was present before the Court on 7<sup>th</sup> April, 2017 and the case was adjourned for framing charge on 16<sup>th</sup> August, 2017. On 16<sup>th</sup> August, 2017, the Applicant was absent and the case was adjourned to 30<sup>th</sup> November, 2017. On the next date, the Court was on leave and the case was adjourned to 31<sup>st</sup> March, 2018. However, the Court was again on leave and for the purpose of framing charge, the matter was adjourned to 7<sup>th</sup> August, 2018.

4] Learned APP submits that the Applicant has remained absent consistently on several occasions, the trial has commenced, the witness summons is issued and the prosecution intends to examine

about 10 witnesses.

5] It is noted that the Applicant was on bail since 2015, the charge has been framed recently, although the prosecution proposes to examine 10 witnesses, it is not clear as to how long it will take to complete the trial. Considering the factual matrix of the case, bail can be granted to the Applicant on certain conditions.

6] Hence, following order.

- (i) Criminal Bail Application No. 219 of 2019 is allowed.
- (ii) The Applicant is directed to be released on bail in connection with C.R. No. 274 of 2013 registered with Meghwadi Police Station, which is the subject matter of P.O.C.S.O. Special Sessions Case No. 292 of 2015 on his furnishing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall report concerned Police Station once in a month on first Saturday between 11.00 pm to 1.00 pm.
- (iv) The Applicant shall not tamper with evidence and shall attend the trial Court proceedings regularly, unless exempted by the trial Court for some reason.

**[PRAKASH D. NAIK, J.]**