

Anand

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

BAIL APPLICATION NO. 393 OF 2019

Zuber Karimulla Khan

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Madan Gupta, Advocate, for the Applicant

Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 19.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 713 of 2017 registered with the Sakinaka Police Station, Mumbai, for the alleged offence punishable under Section 354-C of the Indian Penal Code and under Sections 10 & 12 of the Protection of Children from Sexual Offences Act.

3. Perused the papers. The Applicant is the father of the victim girl, aged 17 years. According to the victim girl, the incident took place on 29.11.2017 at 10.00 a. m. when her mother had gone out for work

and her siblings had gone to School. She has stated that she had gone for a bath and while taking her bath, she realized that somebody was secretly peeping inside the room. She has alleged that when she looked out from the gap, she saw the Applicant standing there and only to confirm asked whether it was her father. She has disclosed the alleged incident to her grandmother and her mother pursuant to which, the aforesaid complaint was lodged.

4. Learned counsel for the Applicant has tendered two Affidavits of the Applicant dated 11th & 15th July, 2019. The said Affidavits are taken on record and marked as “X” colly. In the said Affidavit, the Applicant has undertaken not to commit a similar offence or not to contact the victim girl or any witnesses in the said case. He has also undertaken not to enter the jurisdiction of the Sakinaka Police Station. The Applicant is in custody since 13.12.2017. Investigation is complete and charge-sheet is filed.

5. In view of the peculiar facts of this case as well as the Affidavits of the Applicant, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 15,000/-** with one or two local sureties in the like amount;
- (ii) The Applicant shall attend the concerned police station on the **first Saturday of every month** between **10.00 a. m. and 11.00 a. m.**, till the conclusion of the trial;
- (iii) The Applicant shall not enter the jurisdiction of the Sakinaka Police Station, Mumbai, except for the purpose of attending the police station;
- (iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (vi) The Applicant shall co-operate in the conduct of the trial and remain present on every date, unless exempted by the Court;

(vii) The Applicant to file an undertaking with regard to the Clauses (ii) to (vi), in the trial Court, within two weeks of his release;

(viii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. 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.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)