

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 484 OF 2019

Anisur Gulam Rabbani Shaikh

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Smt. Anjali Patil for the Applicant.

Mr. Amit Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 25th APRIL, 2019.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 287 of 2018 dated 15th August, 2018 registered with Mahim Police Station, Mumbai under Sections 363, 376, 354 read with Section 34 of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act), now culminated into POCSO Special Case No. 609 of 2018.

2 The prosecutrix was aged about 13 years on the date of lodgment of the crime and with a view to protect her identity and in consonance with the provisions of Section 228(A) of the Indian Penal

Code and Section 33(7) of the POCSO Act, the detailed narration of facts mentioned in the first information report and in the statement of the prosecutrix are hereby avoided.

3 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge sheet.

4 There are two accused persons in the present crime. The allegations under Sections 363 and 376 of the Indian Penal Code, along with the provisions of the POCSO Act are against the principal accused Sharikul Sadik Shaikh.

5 The Applicant is a blind person and in the first information report and in the statement of the prosecutrix, he has been named as *“Andha Chacha”*.

It is the allegation against the Applicant that, on some occasions he committed an act as contemplated under Section 354 of the Indian Penal Code against the prosecutrix and no other overt act is attributed to him.

6 Applicant is in Jail since 16th August, 2018 and police have already submitted charge-sheet. No purpose will be served by further keeping the Applicant in incarceration and the Applicant can be released on bail.

Hence the following order.

- a) The Applicant shall be released on bail in CR No. 287 of 2018, registered with Mahim Police Station, Mumbai on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- b) The Applicant shall attend all the dates before the Trial Court unless exempted by the concerned Court.
- c) Any two consecutive defaults in complying with the aforestated condition will attract the provisions of cancellation of bail.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)