

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

CRIMINAL BAIL APPLICATION NO. 669 OF 2019

Sultan Shaikh	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.S.P. Nangare for Applicant.
Mr.Amit Palkar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 29th March 2019.

P.C. :

1] This is an application under Section 439 of the Code of Criminal Procedure for bail in C.R. No.392 of 2018 dated 30/08/2018 registered with D.N. Nagar Police Station, Mumbai, for the offence punishable under Section 354, 506 of the Indian Penal Code and Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), now culminated into POCSO Special Case No. 443 of 2018.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] The prosecutrix in the present crime was aged about 12 years of age 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 the facts mentioned in the first information report and in the statement of the prosecutrix are hereby avoided.

4] The first information report is lodged by the mother of the prosecutrix.

The allegation against the applicant is that he used to call the prosecutrix and her friend who was also minor in his shop and touched them inappropriately.

Apart from the afore-stated fact, no overt act is attributed to the applicant.

5] The applicant is in jail since 31st August 2018 and the police have already completed investigation and submitted the chargesheet.

In view of the above, the applicant can be released on bail.

Hence, following order.

- (i) The Applicant shall be released on bail in C.R. No.392 of 2018 dated 30/08/2018 registered with D.N. Nagar Police Station, Mumbai, on his furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from Jail, the applicant shall attend all the dates before the trial Court, unless exempted by the concerned Court.
- (iii) In case of two consecutive defaults, the Prosecution is at liberty to file an application for cancellation of bail.
- (iv) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (v) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]