

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 739 OF 2019**

Mohammad Asif Mohd. Hanif Shakrekar ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Vishal M. Deshmukh Mr. for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondents-State

PSI Mr. V. B. Sawant from Meghwadi Police Station, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 27th AUGUST 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 198 of 2018 registered with the Meghwadi Police Station, Mumbai, for the alleged offences punishable under Sections 363, 366A, 376 of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act.

3 Perused the papers, in particular, the statement of the prosecutrix aged 17 years. According to the prosecutrix, in 2017, she met

the applicant and they started meeting frequently thereafter. She has stated that their friendship developed into a love affair and the applicant promised to marry her. She has further stated that they would often go to Versova Beach. She has stated that in February 2018, when they went to Versova Beach, the applicant had physical relations with her, without her consent, stating that they would soon be married to each other. She has stated that thereafter as she had exams, they did not meet and after the exams, they started meeting again. She has stated that in April 2018, she went to Nashik and returned in the last week of June 2018. She has stated that as she had missed her period, she informed the applicant who told her that they would go to a doctor for check-up. However, they did not go for the said check-up. She has stated that on 11th July 2018, as she had fever, her mother took her to the hospital, where it was discovered that she was five months' pregnant, pursuant to which, she disclosed the incident to the parents. According to the prosecutrix, the applicant had physical relations with her without her consent, by promising marriage.

4 Learned A.P.P has tendered the DNA report which shows that the applicant is the father of the child.

5 Learned counsel for the applicant has tendered an affidavit of the applicant. The same is taken on record. In the said affidavit, the applicant had undertaken not to contact the prosecutrix or any of the witness in the said case and has also undertaken to attend the Court regularly on the dates fixed by the trial Court. The applicant is in custody since July 2018. The investigation is complete and charge-sheet is filed. The applicant has no antecedents.

6 Considering the aforesaid, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two local sureties in the like amount;

- (ii) The applicant shall attend the Meghwadi Police Station on the first Saturday of every month from 10:00 a.m. to 12:00 noon, till the conclusion of the trial;

(iii) The applicant shall not enter the jurisdiction of Meghwadi 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 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 to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vii) The applicant shall file an undertaking with regard to 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.

7 The application is accordingly disposed of.

8 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.

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

REVATI MOHITE DERE, J.