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

CRIMINAL BAIL APPLICATION NO.1238 OF 2019

Feroz Noormohammad Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.P.A. Pol i/b Pol Legal Juris, for the Applicant.

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

API - Jamir Amir Shaikh, Bhiwandi City Police Station, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 7th 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.I-45 of 2018 registered with the Bhiwandi City Police Station, for the alleged offences punishable under Sections 376, 376(2)(i)(j)(n), 376(D), 363, 354(A), 506 and 34 of the Indian Penal Code and under Sections 4, 6, 8 of Protection of Children from Sexual Offences.

3. Perused the papers, in particular the statement of the victim girl, aged 14 years. The FIR is lodged in 2018. The victim girl has stated that in 2017 when she was studying in 8th standard, the applicant would stand near her school and on one occasion gave his mobile number to her. She has stated that the applicant would come quite often to the school. According to the victim girl, aged 14 years, as her mother's mobile was to be repaired, she asked the applicant, pursuant to which, the applicant told her his friend – Arafat repairs the mobile. She has stated that when she went to pick up the mobile from Arafat's shop along with the applicant, the applicant asked Arafat to keep a watch outside and took her to the mezzanine floor and had forcible sexual intercourse with the victim girl, aged 14 years. The applicant had taken her advantage of her vulnerability and has committed the aforesaid offence. There is no parity with co-accused – Arafat.

4. Considering the material as against the applicant, this is not a fit case to enlarge the applicant on bail.

5. Hence, the application for bail is rejected and disposed of as such.

6. It is made clear, that the observations made herein are *prima facie* for deciding the aforesaid application, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.