

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

CRIMINAL APPEAL NO.682 OF 2019

Akram Chand Khan Appellant

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Silvin Yohanan Kale for the Appellant.

Ms. Pallavi N. Dabholkar, APP for State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 24th June 2019

P.C.:

1 Heard.

2 This is an appeal under Section 14-A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. The appellant herein is arrested at Shree Nagar Police Station for the offences punishable under Sections 376 (a)(b) and 363 read with 34 of Indian Penal Code and Sections 4, 8, 12 and 17 of the POCSO Act, 2012 and Sections 3(9) (W), (i)(ii), 3 (2)(v)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3 The investigation is completed and charge-sheet is filed. It is the case of the prosecution that on 2nd November 2018 one Ashwin Mansuke had been to the house of Sunita and informed her that he had seen her minor daughter accompanying two boys proceeding in an Auto Rickshaw. He attempted to follow the auto rickshaw but had lost sight. Upon receipt of the said information, Sunita had been to the School to enquire about her daughter and learnt that her daughter had not attended the school on that day. By the time, she returned home. Her daughter had also returned. Upon being coaxed, she had informed her mother that one person namely Prince Mishra had asked her to accompany him in an auto rickshaw as he wanted to talk to her. He had forced her to accompany, at that time Prince Mishra was accompanied by the present appellant. They all three had been to the house of the appellant. Thereafter the appellant had dis-associated with Prince Mishra, who had then outraged the modesty of the victim and had also sexually assaulted her. The appellant was arrested on the same day. The material collected in the course of investigation is that the house where they had been, belongs to the appellant.

4 The victim is hardly 14 years old. The investigation is completed and charge-sheet is filed. Learned APP, upon instructions

submits that the principal accused is absconding till date. In view of this, the appellant deserves to be enlarged on bail. Hence, the following order :

O R D E R

- (I) The appeal is allowed.
- (II) The appellant be enlarged on bail on furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.
- (III) The appellant shall report to the Police Station as and when called.
- (IV) Parties to act on authenticated copy of this order.

(Smt. Sadhana S. Jadhav, J)