

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

CRIMINAL BAIL APPLICATION NO. 1399 OF 2019

Shadab @ Sadaf Shafique Divkar ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Ms. Afshan Goghavi i/by Trisha Bhattacharya,
Advocate for the Applicant.

Ms. Sharmila Kaushik, A.P.P. for the Respondent-
State.

Mr. J.A. Shaikh, A.P.I., Bhiwandi Police Station,
Thane.

...

CORAM : SANDEEP. K. SHINDE, J.
DATE : 19th DECEMBER 2019.

P.C.

Heard.

2. It is an application under Section 439 of Criminal Procedure Code, 1973 in connection with the Crime No.45/2018 registered with Bhiwandi City Police Station for the alleged offences punishable under Sections 376 (2) (i) (j) (n), 376 (D), 354 (A), 363, 506, 34 of Indian Penal Code and Section 4, 6, 8 of the Protection of Children from Sexual Offences Act

(“POCSO” for short).

3. Admittedly, victims are below 18 years. Victims are sisters, one is 14 years old and another 17 years old.

4. Evidence shows, both the victims were sexually assaulted repeatedly by the four accused. The fifth accused is released on bail having found, he allegedly facilitated one of the accused to use his premises for alleged sexual assault. The statement of the victims is corroborated by the medical evidence of both the victim. Evidence shows the victim of 14 years old was repeatedly sexually assaulted by the accused, when she was 13 years old. Though the investigation is over, the evidence on record suggests complicity of the applicant in the subject crime, it is not a fit case to release the applicant on bail.

5. Application is rejected.

(SANDEEP. K. SHINDE, J.)