

Anand

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

BAIL APPLICATION NO. 1714 OF 2019

Mohd. Shafik Alamgir Shaikh

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Rohan P. Surve, Advocate, for the Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

Mr. Yogesh Dabhade, PSI, Bhiwandi City Police Station, Thane present

CORAM : REVATI MOHITE DERE, J.

DATE : 16.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-265 of 2018 registered with the Bhiwandi City Police Station, Thane, for the alleged offences punishable under Sections 363, 366, 376 of the Indian Penal Code and under Sections 3, 4, 7 & 8 of the Protection of Children from Sexual Offences Act.

3. Perused the papers. The prosecutrix is aged 16 years and

the Applicant is aged 28 years and a married man with 4 children. According to the prosecutrix, aged 16 years, the Applicant professed his love for her pursuant to which, they started meeting often. She has stated that the Applicant would call her and tell her that they would run away and get married. She has further stated that she told him that he was a married man, to which the Applicant replied that his wife will give him talaq and that if she (prosecutrix) did not come, he would die. She has stated that promising marriage, the Applicant had forcible physical relations with her and thereafter, left her in the lurch and went away. The prosecutrix's statement recorded under Section 161 of Cr.P.C. is consistent with the statement recorded under Section 164 of Cr.P.C. Although, the prosecutrix has stated that she too was in love with the Applicant, she has stated that the Applicant had physical relations with, her, without her consent. The Applicant, a married man with four children, had taken advantage of the minor girl aged between 16 and 17 years at the relevant time.

4. Considering the aforesaid, this is not a fit case to enlarge the Applicant on bail. Hence, the Application is rejected. The possibility of the Applicant threatening or intimidating the prosecutrix cannot be ruled out. However, having regard to the peculiar facts of this case, the

trial of the Applicant is expedited. The learned Sessions Judge to dispose of the case as expeditiously as possible and preferably within 12 months from the date of receipt of this order. Accordingly, the Application is disposed of.

5. 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.

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

(REVATI MOHITE DERE, J.)