

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

CRIMINAL BAIL APPLICATION NO. 1660 OF 2018

Mohmmad Yasin Gulam Ghous Kureshi	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Ms.Misbah Solkar i/b. Mr.Amin Solkar for the Applicant.
- Mrs.A.A. Takalkar, APP for the Respondent.
- Mr.Indrajit Patil, PSI, Vanrai Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd FEBRUARY, 2019.

P.C. :

1] This is an application for bail in connection with C.R. No. 153 of 2017 registered with Vanrai Police Station. The First Information Report was registered on 26th July, 2017, for the offence punishable under Sections 354(A), 509 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

2] The case of the Prosecution is that on 26th July, 2017, the Applicant had allegedly exhibited his private part to the victim aged about 12 years. It is alleged that similar incident had also occurred in

the past in respect to the another victim. However, the statement of the second victim is not recorded. The Applicant was arrested on 26th July, 2017. On completing investigation Charge-sheet is filed.

3] Learned counsel for the Applicant submits that taking the allegations, as it is, the offence punishable under Section 354(A) of the Indian Penal Code is not made out in this case. The statement of the other victim referred to by the witness has not been recorded. The Applicant is in custody from the date of arrest. The investigation is completed and the charge-sheet is filed.

4] Learned APP submits that the victim was a minor girl aged about 12 years. Specific role has been attributed to the Applicant. The statement of one of the witness also indicates that similar act was committed by the Applicant in the past.

5] I have perused the charge-sheet. The Applicant is alleged to have committed act as stated here-in-above. The statement of the other victim is not recorded. The Applicant is in custody for a period of one and half year. The trial Court could decide at the appropriate time whether Section 354(A) of the IPC would be attracted. However, considering the fact that the Applicant is in custody for a long time

and there are no antecedents against him, bail can be granted to the Applicant on certain conditions.

6] Hence, following order.

:: ORDER ::

- (i) Bail Application No. 1660 of 2018 is allowed and disposed of.
- (ii) The Applicant is directed to be released on bail in connection with C.R. No. 153 of 2017 registered with Vanrai Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall not enter into the jurisdiction of Vanrai Police Station and shall not approach the victim or her family members.
- (iv) The Applicant shall furnish details of his place of residence to the Investigating Officer after he is released on bail.
- (v) The Applicant shall attend the trial Court regularly on the date of hearing of the case, unless exempted by the trial Court for some reason.

[PRAKASH D. NAIK, J.]