

Anand

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

**BAIL APPLICATION NO. 2172 OF 2019**

Mohd. Danish Abdul Gafur Mansoori .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH  
CRIMINAL APPLICATION NO. 1154 OF 2019  
( For Intervention )  
IN  
BAIL APPLICATION NO. 2172 OF 2019**

Shajahan Mohd. Danish Mansoori .Intervenor

**IN THE MATTER BETWEEN**

Mohd. Danish Abdul Gafur Mansoori .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Shafi A. Shaikh, Advocate, for the Applicant  
Mrs. P. P. Shinde, APP, for the Respondent – State  
Mr. Priyansu S. Mishra, Advocate, for the Intervenor  
Mr. Suhas Kamble, PSI, Shivaji Nagar Police, Mumbai present

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 13.08.2019**

**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. 538 of 2018 registered with the Shivaji Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 363, 376, 376(2)(N), 328 r/w 34 of the Indian Penal Code ( for short 'IPC' ) and under Sections 4, 6, 8, 10, 12 & 17 of the Protection of Children from Sexual Offences Act ( for short 'POCSO' ).

3. Perused the papers. According to the prosecutrix, aged around 17 years 8 months, co-accused- Yusuf Khan, aged 40 years had physical relations with her without her consent, pursuant to which she became pregnant and the child was aborted. In the fourth supplementary statement, the prosecutrix has stated that she was in love with the Applicant for about six months and that the relations between her and the Applicant were with her consent. There are no allegations of section 328 of the IPC as against the Applicant. The only allegation as against the Applicant have been stated has been stated by her hereinabove. The Applicant is in custody since 02.03.2019. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

**ORDER**

(i) The Applicant be released **on cash bail** in the sum of Rs. 15,000/-, for a period of six weeks;

(ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of **Rs. 15,000/-** with one or two sureties in the like amount;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the prosecutrix, complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall report to the investigating officer of the concerned police station on the first Saturday of every month between 10.00 a. m. and 12.00 noon for a period of 12 months, from the date of his release;

(v) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The Applicant shall co-operate with the conduct of the trial

and attend all the dates before the trial Court, unless exempted.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. In view of disposal of the Bail Application, the Intervention Application does not survive and same stands disposed of accordingly.

7. 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.)**