

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

CRIMINAL BAIL APPLICATION NO. 2106 OF 2018

Babu Sajahan Khan @ Babu Mustafa Shaikh	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Neville D. Deboo i/b. Mr.Abhay B. Bhoir for the Applicant.
- Mrs.A.A. Takalkar, APP for the Respondent.
- Mr.Ramchandra S. Sarang, PI, Oshiwara Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th MARCH, 2019.

P.C. :

1] The Applicant is seeking bail in connection with C.R. No. 552 of 2015 registered with Oshiwara Police Station. The FIR was registered on 14th December, 2015 under Section 363 of the Indian Penal Code (*for short*, “IPC”). Subsequently, Section 376(2)(I) of the IPC and Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (*for short*, “POCSO Act”) were invoked. The Applicant was arrested on 19th December, 2015.

2] The Prosecution case is that : The victim was acquainted with the Applicant-accused. It appears that the victim was around 15 years of age

at the time of incident. The statement of the victim indicate that she was in love with Applicant. There was physical relationship between them.

3] The Applicant and the victim were acquainted with each other and there was consensual physical relationship although the victim was minor aged about 15 to 16 years at the time of first incident. They were acquainted with each other and they have stayed together for a period of 3-4 days after the victim had left her residence. It is pertinent to note that the Applicant is in custody for a period of about 3 years.

4] Learned APP submits that the charge has been framed.

5] It is necessary to note that the Applicant is in custody for a substantial period of time. Considering the aforesaid circumstances, bail can be granted to the Applicant.

6] Hence, following order.

:: ORDER ::

- (i) Bail Application No. 2106 of 2018 is allowed and disposed of.

- (ii) The Applicant is directed to be released on bail in connection with C.R. No. 552 of 2015 registered with Oshiwara 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 report concerned Police Station once in a month on first Saturday of the month between 11.00 am to 1.00 pm till further order.

[PRAKASH D. NAIK, J.]