

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

CRIMINAL BAIL APPLICATION NO. 3031 OF 2019

Mohd. Ramjan Abdul Shakur Qureshi ... Applicant

Versus

The State of Maharashtra ... Respondent

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Ms. Afshan Goghari, Advocate for the Applicant.
Ms. Rutuja Aambekar, A.P.P. for the Respondent-State.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 04th DECEMBER 2019.

P.C.

1. Heard learned counsel for the applicant and learned A.P.P. for the Respondent - State.

2. Applicant is seeking enlargement on bail in Crime No. I - 723 of 2019 registered with the Bandra Police Station, for the alleged offences punishable under Sections 376(2), 366(a), 328, 342, 506 of the Indian Penal Code, 1860 r/w 4, 8, 12 of Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short).

3. Victim is 13 years old. It appears her mother was maid-servant in the house of accused. The applicant is 55 years old. Victim alleged aggravated sexual assault on 18.08.2019 by the applicant. It appears, she did not report this incident to her mother on the same day. It is alleged on 29.08.2019, the applicant forcibly made her to sit in Auto Rickshaw but she could manage to jump out. Thereafter, report was lodged in the police station.

4. The applicant came to be arrested on 31.08.2019.

5. Learned counsel for the applicant has relied on Call Details Record (CDR) of the victim and the applicant, wherefrom it appears on 29.08.2019, the applicant was in Rajasthan; whereas on 18.08.2019, her Call Details Record does not indicate a call received by her from her mother, when she was sexually assaulted by the applicant in his house.

6. Besides, the learned counsel for the applicant has also brought to my notice history narrated to the medical officer, which shows, the mother of the victim has-had, extra marital affair with the applicant.

7. Thus taking into consideration, the facts of the case and the evidence on record it prima facie, does not suggest complicity of the applicant in the alleged crime.

8. Application is, therefore, allowed.

ORDER

(i) The applicant is directed to be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The applicant shall furnish his residential address as well as permanent address and mobile

contact number and/or change of residence or mobile details, if any, to the investigating officer within seven days;

(iii) The applicant is directed to report to the investigating officer of the concerned police station, on the 15th day of each month including December, 2019 from 10:00 a.m. to 11:00 a.m., till the charge is framed;

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

(v) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

9. The application is allowed in the aforesaid terms.

10. 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.

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

(SANDEEP. K. SHINDE, J.)