

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1787 OF 2018
IN
CRIMINAL APPEAL NO. 1261 OF 2018**

Hujaif Rauf Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Piyush Toshnival I/b Mr. Vivek N. Arote for the Applicant

Mr. P. H. Gaikwad, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY. 20th MARCH 2019

P.C. :

1 Heard learned counsel for the parties. Perused the papers.

2 By this application, the applicant seeks his enlargement
on bail, pending the hearing and final disposal of his appeal.

3 The applicant, vide judgment and order dated 29th
September 2018 passed by the Sessions Judge, Nashik in Sessions
Case No. 71/2018, has been convicted;

- for the offence punishable under Section 354 of the Indian Penal Code and is sentenced to suffer RI for 4 years and to pay a fine of Rs. 500/-, in default, to suffer RI for 3 months;
- for the offence punishable under Section 452 to suffer imprisonment for 4 years and to pay a fine of Rs. 500/-, in default to suffer RI for 3 months; and
- for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, to suffer RI for 4 years and to pay a fine of Rs. 500/-, in default, to suffer RI for 3 months.

4 Perused the evidence of PW 1-the victim, PW 3- the victim, PW 4- the victim and the evidence of PW 2 – mother of PW 1 and PW 6 - father of PW 1. It appears that the applicant on three different dates, entered the houses of the said victims in the night and attempted to outrage the modesty of the said victims. It appears that PW 1-victim was present in the house in the night along with her parents, when the applicant came to her house and attempted to

remove her nicker. It is stated that her parents woke up and assaulted the said person, pursuant to which, he ran away.

5 PW 3-victim aged 6 years has stated that the applicant came to her house when she was sleeping with her parents and pressed her mouth and when she started weeping, her parents woke up, pursuant to which, the applicant ran away.

6 The evidence of PW 4 aged 32 years shows that she was in the house on 28th August 2017 and was watching television and her children were sleeping when the applicant came at about 12 midnight and touched her neck. She has stated that the applicant was sitting near her and when she shouted, he ran away.

7 It is not in dispute that the applicant was on bail during trial and has not misused or abused the liberty granted to him. The sentence imposed is a short term sentence and the appeal is not likely to be heard in near future. Learned A.P.P has also verified whether any offence was registered as against the applicant whilst he was on

bail in the present case He states that no offence is registered as against the applicant whilst he was on bail.

8 Hence, the following order :

ORDER

- (i) The application is allowed;

- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two local sureties in the like amount ;

- (iii) The applicant shall not contact or attempt to influence the victims or the prosecution witnesses or any person concerned with the case;

- (iv) The applicant shall report to the trial Court once in two months as specified by the trial Court, till his appeal is finally disposed of;

(v) Upon failure to attend any two consecutive dates, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

9 The application is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.