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

BAIL APPLICATION NO.2806 OF 2018

Joheb @ Javed Maksud Shaikh

..Applicant

Vs

The State of Maharashtra & Anr.

..Respondents

Ms. Anjali Patil for the Applicant.

Ms. J.S. Lohokare, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 16th April 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.I- 40 of 2018 dated 7.2.2018 registered with Shantinagar Police Station, Bhiwandi, District-Thane under sections 376-D, 354, 506(2) read with 34 of the Indian Penal Code and sections 4, 6, 8, 12 of the Protection of Children From Sexual Offences Act (POCSO Act).

2] Heard the learned counsel for the applicant and the learned APP. Perused the chargesheet.

3] The prosecutrix was aged about 17 years at the time of lodgment of the crime. The provisions of Protection Of Children From

Sexual Offences, Act (POCSO Act) are applied to the present crime and therefore with a view to protect the identity of the prosecutrix and in consonance with the provisions of Section 228(A) of the Indian Penal Code and under Section 33(7) of the POCSO Act, the detailed narration of facts mentioned in the first information report and other relevant statements of witnesses disclosing her identity are hereby avoided.

4] The allegation against the applicant is that, the prosecutrix was having an affair with one Mr. Imran who was residing in the same locality. The applicant and the co-accused Chinna taking undue advantage of the said fact, on one occasion outraged modesty of the prosecutrix. The allegations against the applicant are under section 354 of the Indian Penal Code as per facts mentioned in the first information report by the prosecutrix. The applicant is in jail since 7.2.2018. The police after completion of investigation have submitted chargesheet.

5] The learned APP on instructions submitted that, the applicant is residing in the same locality where the prosecutrix is residing and if the applicant is to be released on bail, stringent conditions may be imposed upon him.

6] In view thereof, the applicant can be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No.I-40 of 2018 registered with Shantinagar Police Station, Bhiwandi, District-Thane, on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

ii] After his release from jail, the applicant shall not enter in the jurisdiction of Shantinagar Police Station, Bhiwandi.

iii] Applicant shall furnish the documents pertaining to his prospective residence to the Shantinagar Police Station and also to the Trial Court before his release from jail.

iv] The applicant shall attend all the dates before the Trial Court unless granted exemption by the concerned Court.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)