

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (BA) No.483 of 2019
(Shahrukh Ali s/o Shafakat Ali .vs. State of Maharashtra through PSO PS
Old City, Akola, Dist. Akola)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. N.R. Tekade, Advocate for Applicant
Mr. V.P. Maldhure, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 11, 2019.

This bail application has been filed by the applicant as he stood arrested on 12.03.2019 in pursuance of FIR registered on the same day for alleged offences under Sections 363, 376(2) of the IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. It is pointed out by the learned counsel for the applicant that pursuant to registration of FIR and completion of investigation, charge-sheet has been filed on 10.05.2019. It is contended that a perusal of the oral report given by the complainant i.e. father of the victim girl and the history narrated by her to the Doctor during medical examination, would show that the victim girl, being about 17 years of age, had voluntarily joined the company of the applicant and that there was no material to indicate any forcible sexual intercourse inflicted by the applicant. The oral report on record does indicate that even the complainant, i.e. the father

of the victim, has stated that for about three months prior to the incident, the applicant and the victim were in touch with each other. The victim girl has also stated in her history narrated to the Doctor during medical examination that she had a quarrel with her mother and thereafter she had herself left and joined the company of the applicant herein and she refers to the applicant as her boy friend.

3. Considering the aforesaid material on record and particularly when the investigation is completed and the charge-sheet is already filed, this Court is of the opinion that conditional bail could be granted to the applicant. Accordingly, this application is allowed and the applicant is directed to be released on bail on the following conditions:-

- a) The applicant shall execute P.R. bond of Rs.25,000/- (Rs. Twenty Five Thousand) and a surety in the like amount.
- b) The applicant shall attend Police Station Old City, Akola, district Akola, twice a month i.e. on second and fourth Sunday between 10 a.m. and 5 p.m.
- (c) The applicant shall not enter jurisdiction of Police Station Old City, Akola, except for attending the said Police Station, as per direction given above.
- (d) The applicant shall attend the trial Court on each and every date of proceedings.
- (e) The applicant shall not tamper with the evidence or influence witnesses.

4. It is made clear that if the applicant violates

any of the conditions stipulated above, the bail granted to him shall be liable to be cancelled.

5. It is further clarified that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE

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