

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

CRIMINAL BAIL APPLICATION NO. 28 OF 2020

Faizal Hashim Qureshi ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Mukesh Kumar Mishra, Advocate for the Applicant.
Mr. Y.M. Nakhawa, APP for Respondent-State.
Mr. S.R.Nimle, P.S.I., MIDC Police Station.
Ms. Sumaiya Qureshi Complainant present.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 13th FEBRUARY, 2020.

P.C.

Heard.

1. Applicant is seeking enlargement on bail in Crime No. I - 404 of 2019 registered with M.I.D.C Police Station for the alleged offences punishable under Sections 354, 504 of the Indian Penal Code, 1860 ("IPC" for short) and Section 10, 12 of the Protection of Children from Sexual Offences Act 2012 ("POCSO" for short).

2. Victim in this case at the relevant time was

five years old, step daughter of the applicant. Complainant is mother of the victim. Soon after the alleged incident, the victim was examined by the doctor, however no evidence of any bite marks over the body of the injured were found or noticed. Doctor thus reported "no other evidence of any bite marks all over body. No other fresh injuries". Therefore, prima facie, the allegations in the complaint lacks corroboration. The complainant is present in the Court and she has tendered an affidavit on 13.02.2019 which is taken on record and marked X-1 for identification.

3. The applicant is in the custody since August 2019 and the investigation is over. The punishment for the alleged offences is neither life imprisonment or death. In view of the nature of accusation, the medical report and additionally that investigation is over and the trial may not commence in the near future, the applicant is directed to be released on the following conditions.

ORDER

(i) The applicant is directed to be released on bail on executing P.R. Bond for the sum of Rs.20,000/- with one or more sureties in the like amount;

(ii) The applicant shall furnish the particulars of his residential address as well as permanent address and contact details to the investigating officer within seven days from the date of his release on bail;

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

4. The application is allowed in the aforesaid terms and disposed off.

5. It is made clear that observations made

hereinabove shall be construed as an expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(*SANDEEP. K. SHINDE, J.*)