

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1727 OF 2019

Mohmed Nawab Salimmiya AlamApplicant

V/s.

The State of Maharashtra
and anr.Respondents

Mr. R.N. Kachave, Advocate for the applicant.

Mr. S.R. Agarkar, APP for the State.

CORAM : SANDEEP K. SHINDE, J.***Friday, 28 February, 2020.*****P.C. :**

1. Heard.
2. The applicant is seeking his enlargement on bail in Crime No.11/2018 (corresponding Sessions Case No. 363/2017) registered with MIDC Police Station for the offences punishable under Sections 376, 354, 506 read with Section 34 of the

Indian Penal Code alongwith offences punishable under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act ("POCSO" for short).

3. The learned Counsel for the applicant has invited my attention to order dated 27th March, 2019 passed in Bail Application No. 2495/2018 whereby the co-accused has been released on bail by this Hon'ble Court.

4. I have perused the order, the complaint and the final report. Victim at the relevant time was 13 years old. She had alleged that the applicant had subjected her to penetrative sexual assault as described in Section 3(b) of the POCSO Act since last five years. However, the medical report, prima-facie, does not suggest or corroborate the victim's version.

5. It may be stated that the applicant is in custody since July, 2017. The offence under Section 4 of the POCSO Act is punishable with imprisonment for not less than seven years while

the offence under Section 8 is punishable with imprisonment which shall not be less than three years.

6. In the case in hand, except the statement of the victim, there is no other material to corroborate her version including the medical record. It may also be noted that the co-accused against whom the similar allegations were made, has been released by this Court on 27th March, 2019. Thus, in view of the facts of the case, the applicant is directed to be released on bail in Crime No.11/2018 (corresponding Sessions Case No. 363/2017) registered with MIDC Police Station on his furnishing P.R. Bond of Rs.20,000/- (Rs. Twenty Thousand only) with one or two solvent local sureties in the like amount.

7. The applicant shall report to the Investigating Officer on second Monday of each month commencing from March, 2020 between 11:00 to 1:00 p.m. till the charge is framed.

8. The applicant shall furnish the

particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from today.

9. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

10. Bail Application stands disposed off accordingly.

8. It is made clear that observations made hereinabove shall be construed as 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.)