

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

**CRIMINAL BAIL APPLICATION NO. 3130 OF 2019**

Badruzzaman Ayub Khan . . . Applicant

**Versus**

The State of Maharashtra . . . Respondent

. . .

Mr. Kalam Shaikh, Advocate for the Applicant.  
Mr. S.R. Agarkar, APP for Respondent-State.

. . .

**CORAM : SANDEEP. K. SHINDE, J.**  
**DATE : 14<sup>th</sup> JANUARY, 2020.**

**P.C.**

Heard.

1. It is an application under Section 439 of Code of Criminal Procedure, 1973.

2. Applicant seeks enlargement on bail in connection with Crime no. 18/ 2019 registered with Meghwadi Police Station for the alleged offences punishable under Section 354, 354(D), 506, 509 of the

Indian Penal Code, 1860 ('IPC' for short) and under Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO" for short).

3. Victim is a 12 years old, student. Complainant is the victim's mother. Complaint was lodged on 18.01.2019. Victim's statement was recorded on 12.03.2019 (nearly 2 months after the incident). The story / allegations by the victim in her statement under Section 164 of the Cr.P.C. are utterly different from those which were alleged by the mother of the victim at that time.

4. Applicant is a 62 years old, a retired school teacher. He is in custody since 18.01.2019. The offence under Section 354 is punishable with imprisonment, which may extend to 5 years. Other IPC and POCSO offences are punishable with imprisonment which may extend to 3 years.

5. The statement of victim under Section 164 of

Cr.P.C. prima facie, does not corroborate, the allegations made by victim's mother in the complaint. The investigation in this case is over and the charge-sheet has been filed. Applicant's presence for the trial can be secured by imposing conditions.

6. In view of the nature of accusation, facts and circumstances as stated herein above. Application is granted. Applicant is directed to be released on bail on the following conditions.

### **ORDER**

(i) The applicant is directed to be released on bail in Crime no. 18/ 2019 registered with Meghwadi Police Station, on executing P.R. Bond for the sum of Rs.15,000/- with one or more sureties for the like sum;

(ii) The applicant shall furnish particulars of his residential address and contact number to the investigating officer within seven days from the

date of his release on bail;

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

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

8. It is made clear that the 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.

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

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