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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Bail Application No. 3314 OF 2019

Shaikh Saeed Shaikh Sharif @ Saeed Wiremen ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Mateen Shaikh, for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent - State.

CORAM : C. V. BHADANG, J.

DATE : SEPTEMBER 2, 2020

PC :

1. The applicant (**accused No. 4**) has been charge-sheeted alongwith co-accused for the offence under S. 376, 376-D, 109 of Indian Penal Code, read with S. 4 and 8 of the Prevention of Children from Sexual Offences Act and S. 67, 67-A of the Information Technology Act, in Sessions Case No. 132 of 2019, pending before the learned Sessions Judge at Malegaon, district Nashik.

2. I have heard the learned counsel for the Applicant and the learned Additional Public Prosecutor for the respondent-State, and gone through the charge-sheet as well as statement of the witnesses, including the prosecutrix, who was aged about 17 years. **It appears that co-accused Ms. Seemabai @ Saimabai Qureshi and**

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Note : This order is corrected as per the order for "Speaking to the Minutes" dated 7.9.2020.

Mohammad Nizamuddin Abdul Aziz have been granted bail. The learned counsel for the applicant has pointed out Interim Application No. 1 of 2020, filed by Shafiq Ahmed Shaikh, who is father of the girl. It is submitted that father of the prosecutrix has set out the circumstances in which the complaint came to be lodged out of some misconception.

3. Be that as it may, for the present, prima facie medical report of the prosecutrix does not support the allegation of any forcible sexual intercourse. The co-accused have been released on bail. The investigation is complete. In that view of the matter, following order is passed.

ORDER

- (i) The applicant be released on bail, on executing a PR bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount, before the learned Sessions Judge, Malegaon.
- (ia) For the present the applicant is permitted to deposit cash surety of Rs. 25,000/- with the learned Sessions Judge at Malegaon within a period of eight weeks, after which the applicant shall furnish PR/SB bonds as above.**
- (ii) The applicant shall not directly or indirectly make any attempt

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to contact the prosecutrix and shall not otherwise tamper with the prosecution evidence / witnesses.

- (iii) In the event of breach of the conditions, the bail is liable to be cancelled.
- (iv) The bail application is disposed of in the aforesaid terms.

Sd/-
C. V. BHADANG, J.