

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

CRIMINAL BAIL APPLICATION NO.116 OF 2021

Nadeem Nisar Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Mateen Shaikh, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

PSI-Sawant, Deonar Police Station, Mumbai.

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CORAM : PRAKASH D. NAIK, J.

DATE : 9th APRIL, 2021.

PC :

1. The applicant is arrested on 11th July, 2020 in connection with C.R. No. 113 of 2020, registered with Deonar Police Station for the offences punishable under Sections 354, 509 r/w. 34 of IPC and Sections 8, 12 of POCSO Act.

2. The FIR was lodged on 23rd March, 2020 by the sister of the victim. It is alleged that on 22nd March, 2020 the victim aged about 13 years, had visited the shop for purchasing medicine. The applicant and two other persons were standing on the road leading to the shop. They used objectionable words against the victim. They pulled her. She was touched inappropriately. In the process, her clothes were torned. The accused were arrested. The applicant was

aged about 19 years at the time of incident. The statement of victim was recorded under Section 161 of Cr.PC. The statement of victim was recorded on 23rd March, 2020. Learned APP tendered the statement of the victim recorded under Section 164 of Cr. PC. The said statement was recorded on 7th December, 2020. In the said statement, it was stated that Rizwan caught the collar of her Kurta and caught her hand. She started shouting. She had not named any other persons. Applicant is in custody for a period of about 1 year. Statement under Section 164, does not implicate the applicant. Hence, bail can be granted.

3. Hence, I pass the following order.

ORDER

- i) Bail Application No. 116 of 2021, is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 113 of 2020, registered with Deonar Police Station on furnishing P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one or more sureties in the like amount;
- iii) The applicant shall not enter into the vicinity of place of residence of the victim till the conclusion

of the trial;

- iv) The applicant shall report concerned police station once in three months on first Saturday of the month between 11.00 am. to 1.00 pm. till further order.
- v) The applicant is permitted to furnish provisional Cash Bail Security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety;
- vi) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J)