

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

CRIMINAL BAIL APPLICATION NO. 724 OF 2020

Nazim Mohammad Mahmood Farooqui

.. Applicant
(Ori. Accused No.3)

Vs.

The State Of Maharashtra

.. Respondent

.....
Mr. Kushal Mor, Advocate for Applicant.

Ms. Anamika Malhotra, A.P.P. for the State-Respondent.

.....
CORAM : PRAKASH D. NAIK, J.
DATE : 17th MARCH 2021

PC.

1. This is an application for bail in connection with CR No.I-347 of 2019 registered with Bhoiwada Police Station for offences under Sections 289, 294, 336, 323, 504, 506, 34 of Indian Penal Code, Sections 8,12,13 and 14 of Protection of Children from Sexual Offences Act, 2012, Sections 66E and 67 of I.T. Act, Section 11 of Cruelty to Animals Act and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015. The applicant was arrested on 29th October 2019.

2. The case of prosecution is that the victims are two boys aged about 15 years who are twins. It is alleged that somewhere in April-2019 the victim boys were swimming in a river and at that time accused

confronted them. Accused Aalim abused the victim boys by touching their private part. Other accused assaulted them and threatened them with snake carried in a bottle. It is also alleged that the incident was video-graphed and made viral by the accused.

3. Investigation is completed and charge sheet is filed. Learned counsel for applicant submitted that the applicant is in custody from 29th October 2019. It is submitted that applicant was granted temporary bail on the basis of High Power Committee recommendations. Applicant has surrendered. Mohammad Aslam Ansari has been granted bail by this Court.

4. Learned APP submitted that specific role has been attributed to the applicant. The victim boys were minors. In view of the provisions of Protection of Children from Sexual Offences Act, 2012, bail may not be granted to applicant.

5. I have perused the FIR. He is in custody from 29th October 2019. The FIR was lodged after a period of six months. The exact date of the incident is not mentioned. Investigation is completed and charge sheet is filed. There are no criminal antecedents against applicant.

Co-accused Mohammad Ansari is granted bail by this Court vide order dated 06th July 2020. Hence, bail can be granted to the applicant. Hence, I pass following order:-

ORDER

- (i) The applicant is directed to be released on bail in connection with CR No.I-347 of 2019 registered with Bhoiwada Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (ii) The applicant shall not approach the victims or their family members;
- (iii) The applicant shall report Bhoiwada Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (iv) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- in lieu of surety for a period of twelve weeks;
- (v) Criminal Bail Application No.724 of 2020 is allowed and disposed of.

(PRAKASH D. NAIK, J.)