

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

BAIL APPLICATION NO. 908 OF 2020

Mohammad Javed Khan	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Ms. Farhana Shah, Advocate for the Applicant.
 Ms. M. R. Tidke, APP for the Respondent – State.
 Mr. Sunil Jadhav (PSI) Oshiwari, Police Station, Present.

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CORAM	:	PRAKASH D. NAIK, J.
DATE	:	18th MARCH, 2021

PER COURT:

1. This is an application for bail in C.R. No. 422 of 2019 registered with Oshiwara Police Station, Mumbai for offences under Section 354 of Indian Penal Code (for short “IPC”) and Section 8 & 12 of Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO Act’).

2. The complaint was lodged by the grand mother of the victim on 28th October, 2019, alleging that, the victim had visited toilet but she did not return. Hence, the complainant visited the said place. She noticed that the accused had entered the toilet. She closed the door from outside and confined the accused in the toilet. On shouting the members of the public came there. The accused was apprehended. The victim is girl aged about 13 years. She stated that

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on 28th October, 2019 she had gone to toilet to answer nature's call. The accused tried to enter into toilet. The accused closed her mouth and touched her cheek at that time her grand mother came and closed the door. The applicant is in custody from 23rd October, 2019. There are no criminal antecedents against the applicant.

3. Learned APP submitted that further act was averted because the grand mother of the victim reached the spot. Considering the allegations attributed to the applicant and the fact that he is in custody for a period of about one year and five months, on certain conditions bail can be granted. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 908 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 422 of 2019 registered with Oshiwara Police Station, Mumbai on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall not approach the victim or any other witnesses.
- (iv) The applicant shall not enter into the vicinity of the residence of victim/complainant till conclusion of the trial.
- (v) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m.

to 1:00 p.m. for a period of six months and thereafter, once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m till further order;

(vi) 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.

(vii) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)