

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

CRIMINAL APPLICATION NO. 281 OF 2017

Bhavika Mukesh Chugh Applicant
v/s.
Azim Munir Khan and ors. Respondents

Mr. Samarth R. Moray for the Applicant.
Mr. P.H. Gaikwad, APP for the State.
Mr. H.A. Rasal, PSI, Kurla Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 26th OCTOBER, 2021.

P. C. :-

. Learned APP states that Respondent No.2 has expired. Necessary entry may be made in the cause title.

2. This is an Application under section 439(2) of Cr.P.C. for cancellation of bail granted to Respondent No.1 vide order dated 02/07/2016 passed by the Special Judge under P.O.C.S.O. Act, Greater Bombay in Bail Application No.193/2016.

3. Heard Mr. Samarth R. Moray, learned counsel for the Applicant and Mr. P.H. Gaikwad, learned APP for the State. I have perused the records and considered the submissions advanced by the learned

counsels for the respective parties.

4. The Respondent No.1 was arrested in C.R.No.127/2016 for offence under Section 376, 384 r/w. 34 of the Indian Penal Code and Section 4, 6, 10, 12, 16 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. The said crime was registered pursuant to the first information report lodged by the prosecutrix. She had alleged that on 12/12/2015, the Respondent No.1 had demanded Rs.5,000/- under the threat that he would inform her family members that she was roaming with a boy namely Suyash. In the supplementary statement, she claim that the Applicant had touched her inappropriately. In the third statement, she made allegations of penetrative sexual assault. Learned Judge while granting the bail had taken note of the fact that the accusations of penetrative sexual assault were made subsequently in the supplementary statement which was recorded after considerable delay.

5. Considering the nature of the accusations, the learned Judge granted bail to the Applicant. The reasons recorded by the learned Judge are neither perverse nor suffer from any infirmity. It is stated that the charge sheet has already been filed and that the matter is now

posted for hearing on 25/04/2021. Learned counsel for the Applicant states that the Respondent No.1 has violated condition no.f of the order dated 02/07/2016 which stipulates that the Respondent No.1 would not leave Mumbai without prior permission of this Court. The report submitted by the learned APP indicates that the Respondent No.1 is presently residing at Nashik. It may be mentioned that the Applicant had not sought cancellation of bail on the ground of violation of any terms and conditions of the order. If, at all, any such condition is violated, the prosecution is free to file the Application for cancellation of bail before the appropriate Court. Application is dismissed.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

Digitally signed by
PREETI H JAYANI
Date: 2021.10.28
11:02:10 +0530