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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2493 OF 2021

**RIZWAN UMARDARAJ HUSSAIN
@ SHAIKH**

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

**Mr. Abhishek Pandey a/w Tariq Chaudhary a/w Shirish Shigavan a/
w Poonam Tiwari h/f Noman Jafri advocate for the Applicant**

Ms. A. A. Takalkar APP for the State

Mr. Ram D. Dhamankar complainant present in Court

Mr. Vijay Jadhav, PSI, Andheri Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: 8th OCTOBER, 2021.

P.C.:

1] Pursuant to notice issued by this Court, complainant is present in the Court.

2] Applicant is seeking regular bail in C.R.No. 389/2018 (C.R. No. 320/2018) registered with Andheri Police Station for offence punishable under Sections 376(2)(i), 376(2)(n), 363, 354 r/w 34 of the

Indian Penal Code and under Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012. Applicant was arrested on 26/06/2018.

3] Since last more than three and half years, applicant is behind bars and there are no criminal antecedents. Applicant is already charge-sheeted and co-accused is ordered to be released on bail. The victim girl, a minor has refused to consent for medical examination so as to ascertain the allegations of sexual assault as the offence of rape is registered against the applicant.

4] In the aforesaid background, there is no adverse medical evidence available against the applicant on record. As far as other offences are concerned including Section 8 & 12 of the POCSO Act, same are punishable with imprisonment of maximum 7 years. As such, case for grant of bail is made out.

(i) Applicant be released on bail in C.R.No. 389/2018
(C.R. No. 320/2018) registered with Andheri Police

Station for offence punishable under Sections 376(2) (i), 376(2)(n), 363, 354 r/w 34 of the Indian Penal Code and under Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012, upon furnishing P.R. bond in the sum of Rs. 15,000/- with one or two/more sureties in the like amount.

(ii) Applicant shall neither influence witnesses in any manner nor tamper with evidence.

(iii) Applicant shall not try to establish contact with the victim in any manner.

5] Application stands disposed of.

[NITIN W. SAMBRE, J.]