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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1654 OF 2020

**ABDUL WARIS MOHD. DILSHAD
SAYYED**

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

**Ms. Anjali Patil for the applicant
Mrs. Rutuja Ambekar APP for the State**

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 6, 2021.

P.C.:

1] Applicant is seeking regular bail in C.R. No. 598/2019 registered with Dharavi Police Station for offence punishable under Sections 376(a)(b) r/w 34 of the Indian Penal Code and under Section 4, 6, 10 & 12 of the Protection of Children from Sexual Offences Act, 2012.

2] After arrest on 18/12/2019, applicant was charge-sheeted and

suffered incarceration for a period of 2 years. Victim initially narrated culprit as by name Mahesh to her mother as is reflected in the F.I.R. In supplementary statement, complainant based on information from the applicant stated that applicant is involved in the offence in question. So as to try to explain the aforesaid variance as she was disturbed and afraid of consequences.

3] D.N.A. report received from the Forensic Science Laboratory does not identify the applicant as biological father of the fetus or the sample.

4] As such, the fact remains that there is some third person involved in the offence in question whose identity is not disclosed or investigated into.

5] In the aforesaid background, in absence of any antecedents, a strong case for suspicion of non-involvement of the applicant is made out which entitles him to be released on bail.

(i) Applicant be released on bail in C.R. No. 598/2019 registered with Dharavi Police Station for offence punishable under Sections 376(a)(b) r/w 34 of the Indian Penal Code and under Section 4, 6, 10 & 12 of the Protection of Children from Sexual Offences Act, 2012 upon furnishing P.R. bond in the sum of Rs. 25,000/- with one or two local sureties in the like amount.

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

(iii) Applicant shall not establish the contact, directly or indirectly, with victim or her family members.

(iv) Applicant shall regularly attend the Trial Court. Upon failure to attend any two consecutive dates, Trial Court will be at liberty to initiate proceedings for cancellation of bail.

6] Application stands disposed of.

[NITIN W. SAMBRE, J.]