

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.507 OF 2018

The State of Maharashtra

Applicant

versus

Tausir Ahmed Taufiq Shaikh @ Gurra

Respondent

Ms.Veera Shinde, APP, for State.

None present for Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th July 2021

PC :

1. This is an application for cancellation of bail preferred by State of Maharashtra. The respondent was granted bail by Sessions Court vide order dated 1st August 2017.

2. Learned APP submitted that involvement of the applicant is apparent on record. The offence was of serious nature. The victim was a child. The offences were registered under Sections 302, 377, 363, 201, 34 and 120(B) of Indian Penal Code and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012. It is submitted that during the course of investigation statements of Shahajad Siddiqui and Pappu Singh were recorded. They have referred to three persons along with victim and thereafter the dead body of the victim was found.

3. Learned Sessions Judge in paragraph no.7 of the order has observed as follows :

“7. So far as applicant/accused no.3 Tausir Ahmed Taufique Shaikh is concerned, no doubt, the witnesses Shri Pappu Singh and Shri Shahjad Siddiqui have stated in their statements before the police that they had seen all the three accused while taking away the victim boy. However, the witness Shri Pappu Singh could not identify applicant/accused no.3 Tausir Shaikh during the course of T.I.P. Further more the witness Shahjad Siddiqui had no occasion to identify the applicants/accused in T.I.P. Therefore, except vague statement of Shri Pappu Singh and Shri Sahajad Siddiqui absolutely there is no strong prima facie circumstantial evidence to connect applicant/accused no.3 Tausir Shaikh with the alleged offence. No doubt, the alleged offences are of serious nature but, this itself, is not sufficient to curtail the personal liberty of applicant/accused no.3, particularly when, there is no prima facie evidence against him to connect with the alleged offences.”

4. Thus, the learned Sessions Judge has assigned reasons for granting bail to the respondents. No case is made out to interfere in the impugned order. Hence, the application stands rejected.

(PRAKASH D. NAIK, J.)

MST