

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1272 OF 2022

Rajjak Shah Fattu Shah

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....

Mr. Shaikh Mohammad Naseer A., Advocate for applicant

Mr. R.B. Bagul, A.P.P. for respondent No.1 – State

Ms R.R. Tandale, Advocate for respondent No.2 (appointed)

.....

CORAM : R. G. AVACHAT, J.

DATE : 30th AUGUST, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.63/2022, registered at Varangaon Police Station, District Jalgaon for the offences punishable under Sections 376(a)(b), 506 read with Section 34 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act.

2. The F.I.R. has been lodged by mother of the victim on 12/4/2022. In short, the case of the prosecution is that, her 11 years and 9 months old daughter was subjected to

sexual assault by accused Majid Shah Hamid Shah by 12.30 p.m. on 11/4/2022. The applicant herein is said to be friend of Majid Shah. Role attributed to the present applicant is that, he remained at a particular distance to guard Majid Shah and facilitate commission of the crime. The statement of the victim does not name the present applicant. The name of the applicant figures in the F.I.R. based on hear-say. Considering the alleged role played by the applicant in the crime in question, and the fact that he is in jail since 13/4/2022, and also the fact that the charge is filed, I am inclined to allow the bail application. Hence the order:-

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.63/2022, registered at Varangaon Police Station, District Jalgaon for the offences punishable under Sections 376(a)(b), 506 read with Section 34 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

(iv) Fees of learned Advocate Ms R.R. Tandale appointed for respondent No.2 is quantified at Rs.6000/- (Rupees six thousand).

(R. G. AVACHAT, J.)

fmp/-