

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

BAIL APPLICATION NO.1067 OF 2021

Mr. Irshad Ali Mohd. Mukeem Chaudhary
@ Arshad .. Applicant
v/s.
The State of Maharashtra .. Respondent.

WITH
BAIL APPLICATION NO. 1076 OF 2021

Mr. Akhilesh Kumar S. Varma .. Applicant
v/s.
The State of Maharashtra .. Respondent.

Mr. Shrinivas C. Singh, for the Applicant in both the Applications.
Smt. A. A. Takalkar, APP for the Respondent-State in both the Applications.
Mr. Devhare, PSI, Ghatkopar Police Station, present.

CORAM: SARANG V. KOTWAL, J.
DATED : 6th JANUARY, 2022.
(THROUGH VIDEO CONFERENCING)

PC:-

Both these Applications are decided by this common order as they arise out of the same investigation.

2 The Applicants are seeking their release on bail in connection with CR No. 203 of 2020 registered with Ghatkopar Police Station under Sections 376 (3) of the Indian Penal Code and under Sections, 4, 6 and 10 of Protection of Children from Sexual Offences Act, 2012.

3 The Applicants were arrested on 16th March, 2020 and since then, they are in custody. The investigation is over and the charge-sheet is filed.

4 Heard Mr. Shrinivas C. Singh, learned Counsel for the Applicant and Smt. A. A. Takalkar, learned APP for the Respondent-State.

5 The FIR was lodged by the father of the victim on 16th March, 2020. He has stated that his daughter- the victim was 16 years of age. Her date of birth is 12th October, 2003. She had stopped her education and was working with a caterer. Almost two months prior to the FIR, the victim complained of stomach pain. She was taken to Rajawadi hospital. The victim did not disclose the cause of pain. She was taken for sonography. It was revealed that she was pregnant. In spite of their repeated questions, victim did not tell the name of the person responsible for that incident.

6 On 5th March, 2020, she delivered a daughter. The doctor understood that she was a minor and therefore informed the police and, thereafter FIR was lodged.

7 Learned Counsel for the Applicant submitted that the victim had not given names either of the Applicants. The FIR is lodged after she gave birth to a child and at the time of FIR, the names were not disclosed. FIR was lodged against un-known persons.

8 The learned APP opposed the applications and relied on the statement of the victim which was recorded on 9th March, 2020.

9 I have considered these submissions and particularly carefully considered the statement of the victim. She has stated that about one year prior to the incident, the Applicant Arshad had visited her house for some work. Applicant Akhilesh established physical relationship with her.

However, he concealed fact that he was already married. Applicant Arshad told her that he know about her relations with Akhilesh and under threats of telling it to everybody, he had physical relations with her. Both the Applicants thus sexually exploited her.

10 Victim's statement under Section 164 of the Cr. P. C. is also on record. Considering her case, no case for bail is made out.

11 Bail Applications are rejected.

(SARANG V. KOTWAL,J.)