

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 568 OF 2022

Sayyad Sohil Sayyad Gafur **Versus** State of Maharashtra, thr. PSO., P.S. Khamgaon City, Distric Buldhana.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Amit Bhate, Advocate for the applicant.

Shri T.A.Mirza, A.P.P. for the non-applicant No.1/State.

Ms Aarti Singh, Advocate for non-applicant No.2 (Appointed)

CORAM : ANIL S. KILOR, J.
DATED : 14/07/2022.

1. Heard.

2. The applicant is seeking bail in connection with Crime No. 27/2022, registered with Police Station Khamgaon City, District Buldhana, for the offences punishable under Sections 363, 376, 376(2)(n), 506, 34 of the Indian Penal Code and Sections 4,8,12 of the POCSO Act.

2. Shri Amit Bhate, learned counsel for the applicant submits that the applicant is in jail since January-2022. As the investigation is over and the charge-sheet has been filed, further custody of the applicant is not necessary.

3. He further submits that, considering the role of the applicant, it can be seen that except the fact that he accompanied the main accused and the victim, there is no

overt act attributed to the applicant, which would attract any serious offence. Accordingly, he prays for grant of bail.

4. On the other hand, Shri T.A. Mirza, learned APP strongly opposed the present application and submits that the offence is serious and accordingly, he prays for rejection of the present application.

5. Ms Aarti Singh, learned counsel for the non-applicant No.2/Victim reiterates the submission of the learned APP.

6. In this case, considering the allegations and role attributed against the applicant, as the investigation is over, I am of the opinion that further custody of the applicant is no more required. One of the co-accused has already been released on bail by this Court. Accordingly, I pass the following order:

- i) The criminal application is **allowed**.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No. 27/2022, registered with Police Station, Khamgaon City, District Buldhana for the offences punishable under Sections 363, 376, 376(2)(n), 506, 34 of the Indian Penal Code, 1860 read with Sections 4,8,12 of the POCSO Act on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount.

- iii) The applicant shall not pressurize the prosecution witnesses or tamper with the prosecution evidence.
- iv) The applicant shall attend the concerned Police Station on 1st and 16th of each month and thereafter as and when his presence is required.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]