

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

CRIMINAL APPLICATION (BA) NO. 1087 OF 2022

Shaikh Taukir Shaikh Musa Shaikh Taukri @ Babbu

.Vs.

State of Maharashtra

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

Court's or Judge's Order

Shri S.V.Sirpurkar, counsel for the applicant.

Shri N.R.Rode, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 22/11/2022

1. Heard.

2. The applicant is seeking bail in connection with Crime No. 27/2022 registered with Police Station Khamgaon, Dist. Buldhana for the offences punishable under Sections 363, 376, 376(2)(n), 366-A, 452, 342, 506 read with Section 34 of the Indian Penal Code and Sections 4, 8 and 12 of the Prevention of Children from Sexual Offences Act, 2012 (POCSO).

3. In this case, the allegation is about the kidnapping and rape. Initially, missing report was lodged and subsequently, the offence was registered under Sections 363, 376, 376(2) (n), 366-A, 452, 342, 506 read with Section 34 of the Indian Penal Code and Sections 4, 8, 12 of the Prevention of Children from Sexual Offences Act, 2012 (POCSO).

4. The main accused is Syed Rajique Syed Sadik, whereas, the allegations against the other accused are that they helped the main accused in commission of the offence.

5. As far as the applicant is concerned, the allegation against him is that on the date of the incident, he brought the victim from her house on his motorcycle.

6. In this case, after completion of the investigation, the charge-sheet has been filed and all the co-accused except the main accused have been released on bail.

7. Thus, considering the fact that the applicant is in jail since 21/01/2022, and further the charge-sheet has been filed, I am of the opinion that, the applicant is entitled for grant of bail. In the light of the above-referred discussions, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in connection with Crime No. 27/2022 registered with Police Station Khamgaon, Dist. Buldhana for the offences punishable under Sections 363, 376, 376(2)(n), 366-A, 452, 342, 506 read with Section 34 of the Indian Penal Code and Sections 4, 8 and 12 of the Prevention of Children from Sexual Offences Act, 2012 (POCSO), the applicant shall be released on bail on furnishing P.R. Bond

of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station on 1st and 16th day of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.
- d) The State is at liberty to move application for cancellation of bail, in case of breach of any condition or the applicant repeats the similar offence
- e) The applicant shall not tamper with the prosecution witnesses.

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

JUDGE