

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

BAIL APPLICATION NO. 1521 OF 2021

Akhtar Mouiddin Sayyed ..Applicant
VS.
The State of Maharashtra and Anr. ..Respondents

Mr. S.R. Phanse for the Applicant.

Mr. N. B. Patil, APP for the State.

Ms. Vrishali R. Raje for the Respondent no. 2.

PSI P.B. Todase, Bhiwandi Taluka Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 9, 2023

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no. 2 appointed by the legal aid.

2. This is an application for bail by the applicant- Akhtar Mouiddin Sayyed in connection with C.R. No. I-425 of 2019 dated 04/11/2019 registered with Bhiwandi Taluka Police Station, under sections 377, 323 and 506 of the Indian Penal Code, 1860 and 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The victim at the relevant time was 13 years of age. It is alleged that 3 months prior to the registration of the First Information Report (“FIR” for short), the applicant committed an act on the victim which is an offence punishable under section 377 of the IPC. It is further alleged that 2 days prior to the registration of the FIR, 2 other persons (other than the applicant) committed a similar act on the victim. The medical evidence does not disclose any injury marks on the victim. In the FIR, name of the applicant was recorded wrongly. The supplementary statement which was recorded later on, records the correct name of the applicant.

4. The investigation is complete and the charge sheet is filed. There are no criminal antecedents reported against the applicant. The applicant is in custody since 04/11/2019 for a period of more than 3 years and 3 months. There is no sign of the trial progressing. It is submitted that even the charge has not been framed. In this view of the matter, though the application is vehemently opposed by the learned counsel for respondent no. 2 and learned APP, I am inclined to enlarge the applicant on bail, subject to imposing

some stringent conditions. Hence, the following order.

: ORDER :

(a) Applicant- Akhtar Mouiddin Sayyed shall be released on bail, in connection with C.R. No. I-425 of 2019 dated 04/11/2019 registered with Bhiwandi Taluka Police Station, on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(c) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(d) The applicant shall report to the concerned police station close once a month i.e. on first Monday between 11.00 a.m. and 01.00 p.m.

(e) The applicant shall not enter the area Bhiwandi Taluka Police Station on being

released on bail till the trial is concluded, except for attending the dates fixed by the trial Court and for the purpose of reporting to Investigating Officer.

(g) It is made clear that any attempt on the part of the applicant to contact the victim will entail the consequence of the prosecution or the victim to apply for the cancellation of bail.

(h) The trial Court to record the evidence of the victim / child within a period of 1 month from the date of the production of this order for its perusal.

5. I express my gratitude for the able assistance rendered by the advocate - Ms. Vrishali R. Raje in representing the respondent no. 2.

6. The Bail Application is disposed of.

(M. S. KARNIK, J.)