

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

BAIL APPLICATION NO. 2374 OF 2021

Lala Rashid Shaikh	...Applicant
Versus	
The State Of Maharashtra and Anr.	...Respondents

Samir Kumbhakoni for the Applicant.

Ms. Saloni M Ghule for the Respondent no. 2

Mr. S. V. Gavand, APP for the State.

CORAM: M. S. KARNIK, J

DATED: FEBRUARY 6, 2023

PC:-

- 1.** Heard learned counsel for the parties and learned APP for the State.
- 2.** This is an application for bail by the applicant- Lala Rashid Shaikh in connection with C.R. No.0711 of 2020 dated 11/11/2020, registered with Mohol Police Station, District Solapur, under sections 376 (2)(i) of the Indian Penal Code, 1860 and sections 4, 9(k), 10, 5(j)(2) and 6 of the Protection of Children from Sexual Offences Act, 2012.
- 3.** The First Information Report ("FIR" for short) was registered on 11/11/2020 by the victim's brother. The victim is minor and

differently-abled. In the FIR it was stated that the victim complained of some health condition, therefore, she was taken to the hospital. It was then realised that the victim was pregnant. FIR was registered against an unknown person. On the same day, the supplementary statement of the informant came to be recorded wherein he stated that it is the applicant who was responsible for the said offence. This was done on the basis of the information provided by the wife of the informant who interacted with the victim and could understand the sign language of the victim. There is a statement of the informant's wife on page 30 dated 12/11/2020 in which she stated that from the communication of the victim using sign language, she could infer that it is the applicant who is the perpetrator of the said offence.

4. It is the specific case of the prosecution that it is the applicant who committed the aforesaid offence and the victim became pregnant because of the act of the applicant. The DNA report has been produced on record which concludes that the victim is the biological mother of the baby (female child). However, the applicant is excluded to be the biological father of the baby. The medical report, therefore, does not support the prosecution case.

5. The applicant is in custody since 11/11/2020 for the period of more than 2 years and 2 months. Even the charge has not so far been framed. There are no criminal antecedents reported against the applicant. In such circumstances, considering that the trial is likely to take a long time to conclude, the applicant can be enlarged on bail, as he does not appear to be a flight risk and there is nothing placed on record that the applicant will evade facing trial. Ultimately if the applicant is found guilty during the course of the trial, he will undoubtedly face the consequences. Hence, the following order.

ORDER

(a) Applicant- Lala Rashid Shaikh in connection with C.R. No.0711 of 2020, registered with Mohol Police Station, District Solapur, shall be released on bail, on his furnishing P.R. Bond of Rs.15,000/- 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) The applicant shall report to the concerned police station once in two months i.e. on first Monday of every alternate month between 11.00 a.m. and

1.00 p.m starting from February 2023;

(d) The applicant shall not enter the jurisdiction of the Mohol Police Station except for the purpose of reporting to the Investigating Officer;

(e) 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.

6. The application is disposed of.

7. I express my gratitude for the able assistance rendered by the advocate- Ms. Saloni M. Ghule representing the complainant.

(M. S. KARNIK,J.)