



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

BAIL APPLICATION NO. 1345 OF 2023

JAKIR RASHID SHERIKAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Samay Pawar for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

Adv. Trupti Khamkar for Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 18, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 354, 323, 504 and 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), registered on 19/11/2022 vide C.R. No.1151 of 2022 with Kondhwa Police Station, Pune.
- 3.** Learned APP as well as learned counsel for respondent

No.2 opposed the application. It is submitted that the complainant was threatened by the brother of the applicant.

4. The applicant is the father of the victim. The applicant was arrested on 19/11/2022. I have gone through the statement of the minor victim as well as the complainant and other materials on record with the assistance of the learned counsel for the parties. The maximum punishment prescribed for the aforesaid offences is 5 years rigorous imprisonment. The applicant is in custody for more than 1 year and 1 month as an undertrial. The possibility of the trial concluding any time soon appears remote. In such circumstances, though the application is vehemently opposed by learned counsel for the respondents, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Jakir Rashid Sherikar in connection with C.R. No. 1151 of 2022 registered with Kondhwa Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more

sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall not enter into the jurisdiction of Kondhwa Police Station, till further orders of the trial Court.

(e) 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.

(f) 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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) If it is found that the applicant or his relatives are trying to pressurize, threaten or intimidate the victim, complainant or any of the witnesses, the same shall be viewed seriously and shall be the ground for cancellation of this bail granted.

5. The application is disposed of.

6. I appreciate the valuable assistance rendered by Advocate Trupti Khamkar, who appeared on behalf of respondent No.2 in this proceeding. Her engagement may be regularized by the Maharashtra State Legal Services Authority if she is on the panel or else she may be paid fees/honorarium quantified at Rs.5000/-.

(M. S. KARNIK, J.)