

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2170 OF 2022

Farukh Abdul Rehman Shaikh

...Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Jehangir Khajotia, for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent-State.

Mr.Abdul Kader, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th SEPTEMBER 2023

P.C:-

. By this Application, Applicant is seeking bail in Crime No.743 of 2021 registered with D.N. Nagar Police Station, Mumbai, for the offences punishable under Sections 354 and 354A of the Indian Penal Code ('IPC' for short) and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short).

2. It is prosecution's case that, on 23rd November 2021

the Applicant had pressed the chest of victim by calling her in his house and Applicant removed zip of his pant and asked to her to drink urine from his private part.

3. It is contention of the learned counsel for the Applicant that, Applicant has been falsely implicated in this case, due to enmity between Applicant and the family of first informant the false case has been filed against the Applicant. The Applicant is behind bar almost two years. Investigation is completed and charge-sheet has been filed.

4. The learned APP submitted that, the Applicant had pressed the chest of victim and by removing zip of pant asked the victim to drink urine from his private part. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

5. The learned counsel for Respondent No.2 submitted that, Respondent No.2 has no objection to grant bail to the Applicant.

6. I have heard all learned counsel. Perused FIR and charge-sheet.

7. Considering allegations against the Applicant Section 8 and 12 of POCSO has been applied. The punishment under Section 8 of the POCSO Act is not less than three years which may extended upto 5 years and shall also be liable to pay fine and under Section 12 of the POCSO Act punishment is extended upto 3 years and shall also be liable to pay fine. The Applicant is behind bar almost two years. Investigation is completed and charge-sheet has been filed.

8. In view of above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No.743 of 2021 registered with D.N. Nagar Police Station, Mumbai, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the D.N. Nagar Police Station, Mumbai once in a month i.e. on every 1st Monday of the month

between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)