

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

CRIMINAL BAIL APPLICATION NO. 3594 OF 2021

Siraj Sarwar Idrishi	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Raviraj Paramane for the Applicant.
Ms. Anamika Malhotra, APP, for the Respondent No.1-State.
Ms. Savita Yadav for the Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 4th OCTOBER, 2023.

SHANTANU
SHANKARSA
DHUDUM

Digitally
signed by
SHANTANU
SHANKARSA
DHUDUM
Date:
2023.10.07
17:11:17
+0530

P.C. :

1. By this application, applicant is seeking bail in C.R. No. 45 of 2021 registered with Vinobha Bhave Nagar Police Station, Kurla (W), Mumbai, for the offences punishable under Sections 363, 376, 376(1)(i)(n) and 323 read with Section 34 of Indian Penal Code, 1860 (for short "IPC") and Sections 4, 6, 8, 12 and 21 of Protection of Children from Sexual Offences Act 2012.

2. It is prosecution's case that applicant had kidnapped victim and sexually assaulted her due to which she got pregnant.

3. It is contention of learned counsel for the applicant that at

the time of incident, applicant was more than 16 years old. As per prosecution case applicant had sexually assaulted the victim in month of October, 2020 and the complaint was lodged against the applicant in the month of March, 2021, there is delay of more than six months in lodging the complaint. Learned counsel further submits that complainant had lodged complaint against other co-accused Javed Shaikh and in said complaint she revealed that applicant had sexually assaulted her. The victim's age is more than 15 years. Applicant is behind bar for more than two years. Hence, requested to allow the application.

4. Learned APP submitted that victim was sexually assaulted by the applicant. She got pregnant due to said sexual assault. She was below sixteen years of age at the time of incident. If applicant is released on bail, he may threaten the prosecution witnesses and victim. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet .

6. From the statement of victim, it appears that applicant had sexually assaulted her in the month of October, 2020. Thereafter, the complaint was lodged in month of March 2021.

When co-accused Javed Shaikh had molested the victim and other girl. The complaint was lodged against Javed and in the said complaint name of applicant is mentioned. There is delay of six months in lodging the complaint against applicant. Investigation is completed and charge-sheet has been filed. Applicant is behind bar for more than two years.

7. Considering the above facts, further detention of applicant is not required.

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

ORDER

- (i) Applicant be enlarged on bail in Crime No. 45 of 2021 registered with Vinobha Bhave Nagar Police Station, Kurla (W), Mumbai, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence

and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.
- (v) The trial Court shall decide the said case on its own merits, in accordance with law uninfluenced by observations made in this order.

9. The application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)