



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

BAIL APPLICATION NO. 2312 OF 2023

AFTAB ABBAS SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Shubhangi Parulekar a/w Adv. Anosh Londhe for the Applicant.

Adv. Nikhil G. Hire for Respondent No.2- Complainant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 07, 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, 375(a), 376(2)(i) of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 3(a), 5(m)(n), 8, 11(3) and 12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) registered on 19/03/2023 vide C.R. No.87 of 2023 with Bundgarden Police Station, Pune.

3. The applicant at the relevant time was 22 years of age. He was working as an electrician. It is alleged that the applicant visited the house of the victim who was 12 years of age, for some electrical work and committed an act which is an offence punishable under the aforesaid sections. The applicant was arrested on 27/03/2023.

4. *Prima facie*, the medical report does not appear to be in consonance with what the victim has stated regarding the offence of rape. The complainant who is the victim's mother along with the father of the victim are present in the Court through their advocate. Their advocate submitted that the complainant and the father of the victim have no objection if the applicant is enlarged on bail.

5. Learned APP opposed the application.

6. I have perused the materials on record. The victim in her statement, which was recorded initially on 19/03/2023, through the complainant has alleged that the applicant had committed an act which is an offence under Section 354 of the IPC. Later on 24/03/2023, the victim alleged that the applicant had committed an act which is punishable under

Section 376(2)(i) of the IPC and other relevant provisions of the POCSO Act. In the facts and circumstances of the present case, considering that the investigation is complete and the charge-sheet has been filed, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Aftab Abbas Shaikh in connection with C.R. No. 87 of 2023 registered with Bundgarden Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) 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.
- (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.

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

7. The application is disposed of.

(M. S. KARNIK, J.)