

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

BAIL APPLICATION NO. 3890 OF 2021

Vasiakhtar Ali Mohammed Khan ..Applicant
VS.
The State of Maharashtra and Anr. ..Respondents

Saima Ansari i/b Fakhruddin Khan for the Applicant.

Ms. A. A. Takalkar, APP for the State.

Mr. Prathmesh Naik for the complainant.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 11, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for the complainant and learned APP for the State.
- 2.** This is an application for bail filed by the applicant - Vasiakhtar Ali Mohammed Khan, in connection with C.R. No. 120 of 2019 registered with Kandivali Police Station, for the offence punishable under sections 376(2)(i), 504, 506 of the Indian Penal Code, 1860 and sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012.
- 3.** The incident took place sometime on 06/07/2018. At the relevant time, the age of the victim was 15 years and

the age of the applicant was 22 years. From the statement of the victim, it appears that the victim was in a consensual relationship with the applicant.

4. However, considering that the victim was a minor, the consent of the victim is immaterial. There are no criminal antecedents reported against the applicant. The applicant is in custody since 17/02/2019. The period for which the applicant is in custody is almost 3 years and 11 months. The possibility of the trial commencing and concluding any time soon seems remote. The investigation is complete and the charge-sheet is filed. The charge is not framed yet. Considering the long period of incarceration and no possibility of the trial commencing, the applicant can be released on bail by imposing some stringent conditions. Hence the following order.

: ORDER :

- (a)** Applicant- Vasiakhtar Ali Mohammed Khan shall be released on bail in connection with C.R. No. 120 of 2019 registered with Kandivali Police Station, on furnishing P.R. Bond of Rs.25,000/- 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) 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.

(d) The applicant shall report to the concerned police station once a month i.e. on first Monday between 11.00 a.m. and 01.00 p.m. and thereafter as and when called.

(e) On being released, the applicant shall not enter the area of the police station where the victim is residing and shall not make any contact with the victim.

(f) The trial Court is requested to record the evidence of the child witness within a period of 1 month from the date of the production of this order before trial Court.

5. The Bail Application is disposed of.

(M. S. KARNIK, J.)