

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

CRIMINAL BAIL APPLICATION NO. 2756 OF 2022

Mr. Shahjad Shamim Shaikh	Applicant
Versus	
The State of Maharashtra	Respondent

Mr. Vivek Arote a/w Ms. Amruta Mhapralkar, for the Applicant.
Ms. P. N. Dabholkar, APP, for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 9th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No. 132 of 2005 registered with Versova Police Station, Andheri, Dist - Mumbai for the offences punishable under Sections, 341, 376(g), 506(II) read with Section 34 of Indian Penal Code (for short "IPC").

2. It is prosecution's case that applicant and co-accused forcefully sexually assaulted the victim.

3. It is contention of learned counsel for the applicant that after the incident victim is not traceable. The trial Court has acquitted the co-accused - Jahid Javed Khan on the ground that victim is not traceable. Applicant is behind bar for almost six years. Investigation is completed and charge-sheet has been filed. The victim is not traceable. Hence, requested to allow the application.

4. Learned APP submitted that applicant along with co-accused had sexually assaulted the victim. Victim has stated about the role of applicant. There is *prima facie* case against the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet. Applicant is behind bar for almost six years. The co-accused - Jahid Javed Khan is acquitted by the trial Court as victim is not traceable. The role attributed to the released accused and applicant is same. Learned APP, on instructions submits that victim is not traceable. Investigation is completed and charge-sheet has been filed. It may take time for conclusion of trial.

6. Considering the above facts, further detention of applicant's is not required.

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

ORDER

(i) Applicant be enlarged on bail in C. R. No. 132 of 2005 registered with Versova Police Station, Andher, District 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.

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

11. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by observations made in this order.

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

(SHIVKUMAR DIGE, J.)