

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

**BAIL APPLICATION NO. 2859 OF 2022
(THROUGH JAIL)**

Mehandi Hasan Mohammed Mustaq Shaikh ..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. Sushant Mhatre, for the Applicant.

Ms. P. N. Dabholkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 3, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP.

2. This is an application for bail in respect of C.R.No. 39 of 2019 registered with Mahim Police Station for the offence punishable under sections 302, 376(A)(B), 363 of the Indian Penal Code, 1860 and under sections 6, 10 of the Protection of Children from Sexual Offences Act, 2012.

3. The victim was 5 years of age. She was found murdered. CCTV footage revealed that she was taken away

by the applicant. In the medical history, the applicant stated that he has committed offence of murder and rape of the victim. Learned trial Court is justified in observing that the statement before the doctor cannot be directly used against the applicant. However, materials in the form of CCTV footage reveal that the accused was found carrying the victim in the wee hours of night and then the victim was found dead. There are serious allegations that the victim was raped and the medical evidence prima facie supports these allegations. The trial is proceeding and 5 witnesses have already been examined. The applicant was arrested on 20/02/2019. Considering the seriousness of the accusations and now the trial is proceeding, I am not inclined to release the applicant on bail. The application is rejected. Liberty to apply for bail after 6 months.

(M. S. KARNIK, J.)