

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2747 OF 2023

Karim Kadir Khan

.Applicant

Versus

The State of Maharashtra & anr.

.Respondents

Mr. Yash Fadtare i/b. Mr. Salman Pathan, Advocate, for the Applicant
Mr. P. H. Gaikwad, APP, for the Respondent – State

CORAM: MADHAV J. JAMDAR, J.
DATE: 31.01.2024

P. C.

1. Heard Mr. Fadtare, learned Counsel appearing for the Applicant and Mr. Gaikwad, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1. C. R. No.	767 of 2022
2. Date of Registration of F.I.R.	20.09.2022
3. Name of Police Station	Bhosari MIDC Police Station, Pune
4. Sections invoked	376, 376(3), 376(2)(n), 376-AB, 506 of the I.P.C., 1860 3, 4, 5(L), 5(M), 6, 7, 8, 9, 12 of the POCSO Act, 2012
5. Date of incident	20.09.2022

6.	Date of arrest	20.09.2022
7.	Date of filing Charge-sheet	22.12.2022

3. The nature of the offences is grievous and serious. The Applicant who is aged 61 years, has allegedly sexually assaulted a child aged seven years. As per the F.I.R. which has been lodged by the mother of the victim, the victim was playing with children from her neighbourhood on 20.09.2022. At about 01.30 p.m. the mother of the victim called the victim for having her lunch and she was looking for her outside her house. The mother inquired about the victims whereabouts but the victim could not be found. When she was searching for the victim, she went to the residences of neighbours to find out her whereabouts, and then she reached in front of the house of the Applicant and found that the door was closed and the footwear of the victim were kept outside the house of the Applicant. At that time, the informant heard noise of a girl from the house of the Applicant. When she peeped inside the house, she saw the Applicant was naked and was sexually assaulting the victim. The age of the victim is seven years.

4. Mr. Londhe, learned Counsel appearing for the Applicant states that the Applicant is suffering from a medical ailment.

However, the relevant portion of Prisoner's Medical Report issued by the Chief Medical Officer, Yerwada Central Prison, Pune dated 09.01.2024 reads as under:-

"15) PRESENT HEALTH STATUS: AT PRESENT THE GENERAL HEALTH CONDITION OF THE PRISONER IS GUARDED AND IS UNDER TREATMENT AS ADVISED BY EXPERTS OF SGH PUNE."

5. Therefore, this is not a fit case to grant bail to the Applicant.

6. The Bail Application stands rejected.

[MADHAV J. JAMDAR, J.]