

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

SATISH
RAMCHANDRA
SANGAR

BAIL APPLICATION NO.970 OF 2024

Digitally signed by
SATISH RAMCHANDRA
SANGAR

Date: 2024.09.23
10:43:22 +0530

Mohammed Mubarak Hussain

Allauddin Miya

Age : 44 Years, Occupation : Driver,

R/o. : Near Majjid, Dalkuchpada, Kashigaon,

Kashimira, District : Thane.

...Applicant

Versus

1. **State of Maharashtra**

(At the instance of Kashimira Police

Station, District : Thane)

2. **X. Y. Z.**

...Respondents

Ms.Syed Shabana Mashkoor Ali:-	Advocate for Applicant.
Mr.Hitendra J. Dedhia:-	APP for Respondent No.1 -State.
Mr.D.Patil-API:-	Kashimira Police Station.

CORAM : S. M. MODAK, J.

DATE : 20th SEPTEMBER 2024

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP.

2. It is true that earlier Bail Application was rejected on 4th July 2023. Liberty was granted to apply after six (6) months. That period is already over.

3. Though, a charge is framed on 5th April 2024, yet evidence is not started. The case is at the stage of production of muddemal. Though, learned APP submitted that only few witnesses are there, a report by the trial Court mentions that there are 47 under-trial prisoners' cases pending in his Court.
4. It is true that the victim is a daughter of the Applicant. It is submitted that the victim is staying with her real mother and mother has filed an Affidavit for grant of bail.
5. On the ground of incarceration, I am granting bail. Hence, order:-

ORDER

- (i) Bail Application is allowed.
- (ii) The **Applicant – Mohammed Mubarak Hussain Allauddin Miya** arrested in connection with **C.R. No.741 of 2020** registered with **Kashimira Police Station, District : Thane Rural** for the offences punishable under **Sections 376(2)(n), 323, 506 of IPC and under Sections 4, 8 of POCSO Act**, be released on bail on furnishing personal bond and surety bond of **Rs.25,000/- (Rupees Twenty Five Thousand Only)**.
- (iii) The **Applicant not to enter the limits of Kashimira Police Station till conclusion of the trial.**

- (v) The **Applicant** to furnish an alternate address to the Police and the Court.
 - (vi) The **Applicant** not to threaten the prosecution witnesses or to allure them in any manner.
 - (vii) **In case of breach** of the above conditions, the bail of the Applicant is **liable to be cancelled after notice**.
6. In view of the above, **Application is disposed of**.
7. The parties to act upon an authenticated copy of this order.

[S. M. MODAK, J.]