

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

CRIMINAL BAIL APPLICATION NO. 1162 OF 2024

Muktar Sadik Shaikh

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Abhishek R. Avachat with S. H. Deshpande, Advocate for the applicant.

Mrs. S. M. Yadav, APP for State-Respondent.

Mr. A. Aswani, Advocate for Respondent No. 2.

CORAM:- ANIL S. KILOR, J.

DATED:- 26th AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.145 of 2019 registered with Manchar Police Station, Pune for the offences punishable under Sections 376, 376(2)(n), 363, 344 and 323 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 6, 8, 10, 17 and 21 of the Protection of Children from Sexual Offences Act, 2012.

- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that the victim loved with the son of the applicant and they got married. The allegations against the applicant are that the applicant accompanied the son and the victim.
- 4) In the above referred backdrop, it is pertinent to note that the applicant is in jail from more than one year and during this period, the charge-sheet has been filed.
- 5) The serious allegations are leveled against the son of the applicant. However, except the above referred allegations there are no allegations against the applicant. In that view of the matter, since the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not necessary.
- 6) In the circumstances, though the learned APP and the learned Counsel for the victim strongly opposing the present application, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.145 of 2019 registered with Manchar Police Station, Pune for the offences punishable under Sections 376, 376(2)(n), 363, 344 and 323 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 6, 8, 10, 17 and 21 of the Protection of Children from Sexual Offences Act, 2012, on

furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii. The applicant shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;

iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]