

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1544 OF 2024

Mohammad Javed Said Ahmad ... Applicant.
Mansuri

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr Mahendra Kawchale, Advocate for Applicant

Shri P.H.Gaikwad-Patil, APP for the State.

Mr Ajinkya M. Udane a/w Ms Twishaa Gangar, Advocate (appointed) for
Respondent No.2

CORAM : ANIL S. KILOR, J.

DATED : SEPTEMBER 05, 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.1153 of 2021, registered with Hadapsar Police Station, Pune for the offences punishable under Sections 363, 366A, 376, 376(3)(n) of the Indian Penal Code and Sections 4, 6, 12 of the Protection of Children from Sexual Offences Act, 2012.

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3. Having gone through the charge-sheet and the relevant material collected by the Investigating Officer, it is evident that the victim herself on her own went with the applicant. It is also evident that she herself called the applicant by giving her new residential address. It is further *prima-facie* apparent that there was love affair between the applicant and the victim.
4. Considering the above *prima-facie* material available on record and further the fact that the applicant is in jail from last about three years and in the meantime the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not required.
5. The learned counsel for the applicant, on instructions, submits that the applicant is ready to give local surety.
6. In the circumstances, though the learned APP and the learned counsel for the victim are strongly opposing the application, I pass the following order:
 - i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.1153 of 2021, registered with Hadapsar Police Station, Pune for the offences punishable under Sections 363, 366A, 376, 376(3)(n) of the Indian Penal Code and Sections 4, 6, 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing PR.Bond in the sum of Rupees Twenty Five Thousand with one local solvent surety in the like amount;

- iii) The applicant shall attend the concerned Police Station on first day of every month between 10:00 a.m. and 11:00 a.m., till conclusion of the trial, except on the date of trial.
- iv) The applicant shall not try to directly or indirectly contact the victim and shall not 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 for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)