

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2626 OF 2024

Amin Abdul Hasan Shaikh ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Sachin K. Hande, a/w Poonam K. Pal, Advocate for Applicant

Ms Geeta P. Mulekar, APP for the State.

Mr. Sachin B. Chandan, Adv. (appointed) for Respondent No.2.

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CORAM : ANIL S. KILOR, J.

DATED : NOVEMBER 29, 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.214 of 2023, registered with Tulinj Police Station, District: Mira-Bhaingar, Vasai-Virar Police for the offences punishable under Sections 376, 376(3), 506 of the Indian Penal Code, 1860 and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012.
3. Though the penetrative sexual assault has been alleged against the victim in the complaint, medical evidence, *prima-facie* does not support the said case. The applicant is a spiritual Guru. The

applicant is in jail from last more than 1½ years and in the meantime the charge-sheet has been filed after completion of the investigation. As I stated that the medical evidence does not *prima facie* support the prosecution case about penetrative sexual assault, it creates doubt about the veracity of the prosecution case.

4. In the circumstances, though the learned counsel for the respondent-victim and the learned APP strongly opposed the application, I am of the opinion that the applicant is entitled for grant of bail.
5. At this stage, the learned APP has expressed an apprehension that if the applicant is released on bail, since he is resident of the same locality where the victim resides, there is every possibility that he may pressurise the victim and the prosecution witnesses. Thereupon, the learned counsel for the applicant makes a statement, on instructions, that the applicant is ready to abide by any conditions, including the condition not to enter into the territorial jurisdiction of Police Station, Tulinj, District : Mira Bhaindar Vasai-Virar.
6. Accordingly, 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.214 of 2023, registered with Tulinj Police Station, District: Mira-Bhaindar, Vasai-Virar Police for the offences punishable under Sections 376, 376(3), 506 of the Indian Penal Code, 1860 and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not enter the territorial jurisdiction of Tulinj Police Station, District: Mira Bhaindar, Vasai-Virar till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby Police Station to the I.O., which he shall attend on first day of every month between 10:00 am and 11:00 am, till conclusion of the trial, except on the date of the trial.
- v) 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;
- vi) 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.

- vii) 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.

Fees of the Advocate appointed to represent the respondent No.2 be quantified as per the Rules.

(ANIL S. KILOR, J)