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

***CRIMINAL BAIL APPLICATION NO.956 OF 2018***

Rizwan Baba Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.B.J.Sarwade, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent-State.

PSI – S.G.Gaikwad, Mankhurd Police Station, Mumbai.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 27<sup>th</sup> APRIL, 2018***

**P.C. :**

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.369 of 2017 registered with the Mankhurd Police Station, Mumbai, for the alleged offences punishable under Sections 354(A) and 324 of the Indian Penal Code and under Sections 8 and 12 of Protection of Children from Sexual Offences Act.
3. Learned Counsel for the applicant submitted that the applicant

is aged 20 years and that ultimately the offence is punishable for a maximum of three years/five years. He submitted that the applicant is in custody since 25<sup>th</sup> December, 2017 and that the applicant be given a chance to reform. Learned Counsel has tendered an affidavit of the applicant's mother, wherein, she has assured to keep her son away from Mankhurd area.

4. Perused the charge-sheet. According to the complainant/victim girl, aged 15 years, she had gone to meet her friend at Mankhurd. She has alleged that while she was waiting for the lift in the building, the applicant, a resident of the building in the vicinity, came to her and asked her, where she was going. She has stated that she ignored the applicant and took the staircase, as the lift was not working and that the applicant followed her; held her hand, pushed her back and asked her why she had come there and that he was following her for many days. She has stated that when she pushed him, the applicant held her hand and attempted to kiss her and bit her cheek; that when she shouted, the applicant ran away from the spot. Pursuant thereto, the complainant lodged the aforesaid complaint. *Prima facie*, the injury certificate of the victim girl shows that

the incident had taken place. The complainant has sustained a simple injury on her cheek. The applicant is in custody since December, 2017. Investigation is complete and charge-sheet is filed. The applicant's mother has filed an affidavit stating that she will keep the applicant away from Mankhurd area.

5. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions:-

**ORDER**

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the Mankhurd Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court

as well as to the concerned Police Station, in writing;

iv) The Applicant shall not enter the jurisdiction of Mankhurd Police Station, till the conclusion of the trial, except for the purpose of attending the police station, as mentioned in clause (ii);

v) The Applicant shall not contact/influence/threaten the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall co-operate in the conduct of the trial;

vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the trial Court, within two week's of his release;

viii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the conditions, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.
7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
8. All concerned to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**