

Mohd Shadab Abdul Rashid +1

-Vs-

**State of Maharashtra through
(P.S.O. Shirajgaon Kasba)**

ORDER BELOW EXHIBIT – 1
(Passed on : 21/10/2022)

The applicants have filed their bail application under section 439 of the Code of Criminal Procedure for releasing them on bail.

2. Brief facts of the application are as under :

Informant lodged report allegedly that on 15.10.2022 when she was waiting auto at Sowarkheda Bus-Stop at about 02.30 p.m. at that time two boys came on bus-stand and they did gesture to them by singing. After some time auto came there, informant along with her friend sat in the auto-rickshaw, at that time said boys snapped their photographs. Therefore, informant made phone call to her father and called at bus-stand. After some time police-van came at bus-stop and inquired to them. She narrated the incident to police, thereafter police caught said both boys and thereafter informant lodged report against them. On the basis of her report Shirajgaon Police Station registered Crime No.346/2022 for the offence punishable under sections 354(A), 354(D) R/W 34 of the I.P.C. and Section 12 of the POCSO Act, 2012 against the applicants. Thereafter they were arrested in connection with above said crime and since then they are in jail. Hence , they have filed their bail application.

3. Learned advocate Mr. P.M. Khan for the applicants submitted that almost investigation is completed. He has also submitted that due to

misunderstanding informant lodged report against the applicants on the say of police. He has also submitted that offence is bailable and punishable up to three years. He has also submitted that both applicants are young age boys and they have no criminal antecedent. Their judicial custody is not at all necessary for further investigation. They are ready to abide any condition. Hence, he prayed to release him on bail.

4. Per contra, learned APP Mr. D.A.Nawale for the State fairly submitted that there is no harm if applicants released on bail on certain conditions. Hence, he prayed necessary order be passed.

5. I have gone through the contents of application, say filed by the prosecution, submissions of both sides and investigation papers. It appears that almost investigation is completed. Both applicants are young age boys. No criminal antecedent brought on record against the applicants. Considering all these facts and circumstances of the case I am of the view that, prima facie case is made out for grant of bail to applicants. Hence, I proceed to pass the following order.

.O R D E R.

[1] The application is hereby allowed.

[2] The applicants (1) **Mohd Shadab Abdul Rashid** and (2) **Kashif Khan Abid Khan** be released on bail on executing P.R.Bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with one solvent surety of like amount each, in connection with Crime No.346/2022 registered with Police Station Shirajgaon-Kasba for the offence punishable under sections 354(A), 354(D) R/W

34 of the I.P.C. and Section 12 of the POCSO Act, 2012 .

- [3] The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- [4] The applicants shall attend Shirajgaon-Kasba police station on every Sunday in between 10.00 a.m. to 12.00 p.m. till filing of charge sheet.
- [5] They shall not enter within the vicinity of victim where she resides till trial is over.
- [6] Bail before concerned court.

Dt/- 21.10.2022.

(M.H. Pathan)
Additional Sessions Judge-1,
Achalpur.