

ORDER BELOW EXH.1

The applicant Aatif Aslam Shaikh, aged 35 years was arrested on 03.04.2024 in connection with C.R. No. 409/2024 registered in Wakad Police Station under Section 354, 506 of the Indian Penal Code and under Section 7, 8, 11, 12 of the Protection of Children from Sexual Offences Act, 2012. He has filed this application for bail under Section 439 of the Cr.P.C. He contends that this is his second bail application and no other bail application is pending in any other Court.

2. The victim was of the age of 16 years and she is the daughter of the informant from his first wife Fareen, to whom he has given divorce in the year 2016. The custody of the victim was with her natural mother and the informant was allowed to meet the victim once in a month but the first divorced wife of the complainant was not allowing him to meet the victim. On 30/03/2024, when the informant met the victim, she told him that the applicant, who was the husband of her aunt residing in the same house, had caught hold her hand on 21/03/2024 at 7.30 p.m. when she was in kitchen saying that “why do you go away from him, why don’t you come to him when he calls” . He hold her waist and pulled her tightly on his body and pressed her breast. The victim scared and started crying and pushed him aside. The applicant threatened her to kill if she told that fact to anybody. Subsequently, on 22/03/2024, around 8p.m. when all people were doing their work in the house, the applicant looked at her in dirty eyes and put his hand on her cheek and asked her to kiss him, saying that don’t she miss him? The informant therefore, lodged

complaint and on the basis of such complaint, crime was registered and the applicant was arrested.

3. The applicant contends that he has committed no offence and he has been falsely implicated in this crime. There was matrimonial dispute between the informant and his first wife due to extra marital relation of the informant with another lady which culminated in divorce between them and eventually, custody of the daughter remained with his first wife. The informant performed second marriage but he wanted custody of the daughter and for that purpose, he is trying to create a ground. Lodging complaint against the applicant is one such attempt. Shri. S.D. Shaikh, the Ld. advocate for the applicant submits that the first bail application of the applicant was rejected on 15/05/2024 as the investigation was at initial stage. Now the investigation is completed and chargesheet is filed. No offence punishable with death or life imprisonment is prima facie attracted. The allegations against the applicant have no foundation. The applicant is permanent resident of the address given. He will not flee away and will abide by all the conditions those would be imposed by this Court. He therefore, submits that the applicant be released on bail.

4. The application is resisted by the Investigating Officer by filing say (Exh. 4) and based on it, Shri. Agrawal, the Ld. Spl.P.P. has opposed this application on the ground that the offences are serious and if the applicant is released on bail, he would pressurize the prosecution witnesses and the victim or will commit even more

serious offence. Therefore, he may not be released on bail.

5. Having anxiously heard the rival submissions and on going through the investigating papers, I find no reason to keep the applicant behind the bar for uncertain period. The suitable conditions would serve the purpose of apprehension posed by the prosecution. Having found this, I am inclined to release the applicant on bail on certain conditions. Hence, the order -

ORDER

- 1] The application is allowed.
- 2] The applicant Aatif Aslam Shaikh, who was arrested on 03.04.2024 in connection with C.R. No. 409/2024 registered in Wakad Police Station under Section 354, 506 of the Indian Penal Code and under Section 7, 8, 11, 12 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- with surety of the like amount.
- 3] The applicant shall not tamper with the prosecution evidence in any manner. He shall not pressurize the victim, informant and family members and witnesses and shall not indulge in any offence.
- 4] The applicant shall submit his address proof and phone details as well as phone details of two close relatives.
- 5] Violation of any of these conditions would entail a ground for cancellation of bail.
- 6] Bail application stands disposed of accordingly.

Pune.
Date – 08.07.2024.

(S.R. Salunkhe)
Spl. Judge, (POCSO), Pune.

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno	- Sau.S.V.Thakar (Steno G-1)
Court Name	- S. R. Salunkhe, Spl.Judge, (POCSO), Pune.
Date of Order	- 08.07.2024
Order dictated on	- 08.07.2024
Order transcribed on	- 08.07.2024
Order signed by P.O.	- 08.07.2024
Uploaded on	- 08.07.2024