

ORDER BELOW EXH.1

1] This is an application for bail filed by the applicant u/s. 439 of Code of Criminal Procedure in connection with CR No. 62/2024 registered with Cantonment police station for the offences punishable under Sections 323,143,144,147,148,149,354,452 of the Indian Penal Code and under Sections 8 of the Protection of Children from Sexual Offences Act. [Hereinafter the Indian Penal Code referred to as “IPC” and the Protection of Children from Sexual Offences Act referred to as “POCSO Act” for the sake of brevity.]

2] The prosecution has filed say and opposed this bail application.

3] Heard Ld. Advocate for the applicant and Spl.P.P. for the State. Perused application, say filed by the prosecution and police papers.

4] The informant has lodged a report on 20.02.2024, who is sister Arbaz and Ali Khan and daughter of Rina Khan. In July-2023, her friend Afan Shaikh proposed for marriage and she refused his proposal and even she was not picking phone of Afan Shaikh. Thereafter, he met the informant and made the engagement and under the pretext of marriage, in his house and in the lodge, he established forcible physical relations with her. Therefore, the informant had given report to Lashkar police station on 27.06.2023 and the police arrested him. Since then, relatives of Afan Shaikh are having grudge upon the informant. Two months back, sister of Afan

i.e. Alshiba Shaikh abused the informant and beat her and threatened her and told her to take back the report against Afan. The informant got scared and she did not lodge report at that time.

5] The FIR further indicates that on 20.02.2024, the informant's elder brother Arbaz, younger brother Ali and younger sister Sana were in the house and their mother went for nursing job. At that time Alshiba Shaikh knocked the door and she was outside the door. She asked the informant, "आज कोर्ट की तारीख थी क्या तु कोर्ट में गयी थी" and she pushed the informant and the informant fell down. Her younger sister came to pick the informant. The husband of Alshiba Shaikh i.e. the applicant hold hand of younger sister (aged 16 years old) of the informant and pulled her outside and hold her breast and made her fell down and tried to beat her by using back side of knife. One unknown person along with the applicant gave kick to younger sister of the informant. At that time, Ayan Shaikh, Alfez Shaikh and Salim Shaikh entered into the house and they beat the brothers of the informant. They all were scared and she told to their known Asif Bhai on phone about the incident and also informed that they were bolted the door from outside and told them to sent police for their help. Asif Bhai gave phone call to the police and police came. Thereafter, police sent the victim i.e. younger sister of the informant for the medical examination.

6] Prima facie it reveals that the NC registered was in respect of the incident dated 19.02.2024. It was registered by Alsiba and Salim against the mother, sister and two brothers of the present informant.

It appears prima facie that there is dispute between both the families on account of the act committed by Afan Shaikh with the present informant. The role attributed to present applicant is that he has committed sexual assault upon the younger sister of the informant at the time of the incident dated 20.02.2024. There is statement of the victim who is younger sister of the informant recorded by the police. It prima facie discloses that she has reiterated the act committed by the present applicant with her when he entered in the house along with Ayan, Salim and Alfez.

7] Considering the allegations against the present applicant and his role in commission of the crime and the investigation yet not completed, it is not just and proper to release the applicant on bail. There is every possibility of pressurizing the informant and the witnesses, if at this stage, the applicant is released on bail. Therefore, application is to be rejected. With this, I proceed to pass the following order:

ORDER

- 1] The application is rejected.
- 2] Bail application stands disposed of accordingly.

Pune.
Date – 16.04.2024.

(S.P. Ponkshe)
Addl. Sessions Judge, 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	- Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune.
Date of Order	- 16.04.2024
Order dictated on	- 16.04.2024
Order transcribed on	- 16.04.2024
Order signed by P.O.	- 16.04.2024
Uploaded on	- 18.04.2024