

Criminal Bail Application No. 4143/2020
(CNR-MHPU01-0111372020)

Aftab Kasim Shaikh

Vs.

State of Maharashtra

ORDER BELOW EXH. 01

1) By this application, the applicant – **Aftab Kasim Shaikh** is seeking regular bail u/s. 439 of the Cr.PC. for the offence punishable u/s. 342, 354, 34 of I.P.C. and u/s. 8 of POCSO Act registered at Bibvewadi police station vide crime no. 674/2020.

2) Perused application, say filed by Ld. Spl.PP for state. I had gone through the police papers. Heard both sides at length.

3) The prosecution case in nutshell is that, on 27/10/2020 at about 5.30 pm. the victim girl aged about 8 years had gone to bring confectionery. But, the said minor girl did not return back. It alleged that, the applicant and other two Juvenile in Conflict-in-Law molested her. The applicant/accused moved his hand on the private part of the victim girl. They also wrongfully restrained her in the service center. On these allegations, the FIR has been lodged.

4) Ld. Adv. for the applicant submits that, the applicant is innocent and he has having no concern with alleged crime. He is falsely implicated in the aforesaid crime. He came to be arrested on 27/10/2020 and since then languishing in jail. He is of only 18 years old. If he remained

in jail it hardened criminal then his life will spoil. He is permanent resident of Pune. There is no criminal antecedent at the credit of applicant. Hence, he be released on bail.

5) Per contra, Ld. APP submits that, offence is serious and against the minor girl of 8 years. The investigation is in progress and is at nascent stage. The statement of victim u/s. 164 of Cr.PC. is yet to be recorded. In the event of release of applicant on bail, possibility of threatening the victim and complainant cannot be ruled out. Hence, bail application be rejected.

6) In the present case in hand, the applicant is aged about 8 years. Since, 27/10/2020 the applicant is in custody and languishing in Jail. The investigation is practically completed. It is not the contention of investigation agency that applicant is having a criminal background. In such circumstances, keeping applicant behind the bar for further period, will not add anything more to the prosecution. So far as apprehension on the part of I.O. that applicant will tamper the prosecution evidence if released on bail, it can be taken care of by imposing certain conditions. With this, following order is passed.

ORDER

[1] Application (Exh. 1) is allowed.

[2] Applicant – **Aftab Kasim Shaikh** be released on bail for the offences punishable u/s. 439 of the Cr.PC. for the offence punishable u/s. 342, 354, 34 of I.P.C. and u/s. 8 of POCSO Act registered at Bibvewadi police station vide crime no. 674/2020 on executing P.R. Bond of Rs.15,000/- alongwith

solvent surety of the like amount on the following conditions :-

- (a) the applicant shall not tamper with the prosecution evidence in any manner whatsoever.
- (b) the applicant shall attend each and every date, till the conclusion of trial.

[3] The applicant shall furnish cogent documentary evidence in respect of his residence before this court after his release on bail alongwith swearing an affidavit in that regard.

Pune		Sd/xxx
Date : 20/11/2020	I/c.	(G.P. Agrawal)
		Additional Sessions Judge, Pune.

CERTIFICATE

I affirm that the contents of this P.D.F file Order is same word for word as per original Order.

Name of Steno	⋈ P. S. Gulagi (Stenographer Grade-III)
Court Name	⋈ G.P. Agrawal Dist. Judge-13 & Additional Sessions Judge, Pune.
Date of Order	⋈ 20/11/2020
Order signed by the Presiding Officer	⋈ 20/11/2020
Order Uploaded on	⋈ 20/11/2020