

MHBU040004332024



Order below Exh.26
(Passed on 28.5.2024)

1. The instant application is preferred by applicant/accused namely Shaikh Taslim Shaikh Ajim, for regular bail u/s 439 of the Cr.P.C. in Crime No.55/2024 registered with Khamgaon Rural police station for the offence punishable under Sections 363, 366, 376(2)(n) r/w Section 34 of Indian Penal Code, Sections 4 & 17 of the Protection of Children From Sexual Offences, Act 2012 and under sections 3(1)(w)(i)(ii), 3(2)(v)(va) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act.

2. Application has been resisted by the learned APP Mrs. R.A.Alsi, by filing say at Exh.29. It is contended that accused has committed heinous and serious offence. The record shows that accused is involved in the commission of this offence. Though the accused No.2 & 3 are released on bail, but accused No.1 is main accused. The charge sheet has been filed and trial will commenced soon. Hence, requested to reject the application.

3. Original informant and victim have resisted the application by filing protest petition vide Exh.30 and Exh.33 respectively. It is contended that if accused released bail then there will be danger to the life of victim. Accused has threatened to kill victim and throw acid on her face. Hence, requested to reject the application.

4. Mr.S.G. Bihade learned advocate for applicant/accused has submitted that accused is ready to abide each and condition imposed him while releasing on bail. The age of accused is 19 years. There is love affair of victim with accused. There is no criminal antecedents of accused. Hence, prayed for enlarging him on regular bail.

5. Learned APP Mrs. R.A. Alsi , has argued as per the say vide Exh.29 and urged to reject the application.

6. I have considered the submission of both side. Perused the application, say filed by the learned APP as well as the informant, charge sheet and documents on record.

7. As per charge sheet, victim is 17 years and 09 months old aged girl. Victim is belongs to scheduled caste community. Accused No.1 who is 19 years old boy has kidnapped the victim by motorcycle and accused No.2 to 4 have assisted accused No.1 in commission of offence. Accused No.1 & victim found at Rajasthan. Police have brought them at Khamgaon. On inquiry by police victim stated that

accused No.1 by promising to marry committed rape on her in October 2023 .He kidnapped her at Rajasthan. He also committed rape twice on her on 3.2.2024 at Rajasthan. Complaint shows that informant came to know that his grand daughter victim girl had love affairs with accused No.1 Shaikh Taslim. Prima it corroborates because victim never told about rape of October 2023 to her parents or informant. The age of victim was 17 years and 9 months it means it was her maturity age. In love affair cases the Hon'ble Bombay High Court in many POCSO cases has taken lenient view regarding bail. Accused No. 2 and 3 are already released on bail. Applicant is also 20 years old as per copy of Aadhar card placed on record. He is ready to abide each and every conditions imposed while releasing on bail. When since 06.02.2024 accused is behind bar ,then how he can threatened to the victim/ informant. It will take more time to conclude the trial. Therefore, though the prosecution has resisted the application , but by imposing certain conditions, if accused released on bail then the prosecution will not be prejudiced. Hence, application deserves to be allowed. In result, I pass following order :-

ORDER

1]	Application Exh.26 is allowed.
2]	Applicant/accused namely Shaikh Taslim Shaikh Ajim be released on bail on his executing PR. bond of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety in the like sum.
3]	The applicant/accused shall remain present on every fixed date given by this Court.

4]	The applicant/accused shall not enter in the locality of informant /victim and shall not pressurize the informant and prosecution witnesses. On failure to comply the order, his bail shall be cancelled at the instance of prosecution.
5]	Inform jail authority by Email.

Date : 28.05.2024

(G.B.Jadhav)
Special Judge, Khamgaon,
Dist. Buldhana.

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.

Name of Court : Special Judge, Khamgaon, Dist. Buldhana.