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S. C. No. 185/2019

State V/s Shahid Khan Ismail Khan

Order below Ex. 07 :-

The applicant has filed this successive application for regular bail under Section 439 of the Code of Criminal Procedure in Crime No. 75/2018 for the offences punishable under sections 363, 366(A), 376(A) of I.P.C. and U/s. 4 and 8 of POCSO Act, 2012 registered at Malegaon City Police Station.

02] The learned APP Shri Pagare filed his Say at Exh.8 inter-alia contending that offence is serious, against minor girl. If applicant/accused are released on a bail, then he will pressurize the informant and witnesses. He will commit any cognizable offence against the victim girl. Ultimately, he rejection of the application.

03] Heard Learned advocate Shri. K. G. Ansari for applicant and learned A.P.P. Pagare, for the State.

04] Perused the documents on record, it appears that the previous application for bail was rejected by my predecessor on merit. Applicant fails to show any change in circumstance to grant the bail. He relied on the judgment of Hon'ble High Court reported in 2015 ALL MR (Crim) 2785. Perused the said citation. The facts and circumstance of the cited case and case in hand are totally different. In the present case applicant-accused is of 38 years old, married man, having a child. Perused the charge-sheet. There is specific allegation of penetrative sexual assault against the applicant-

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accused. Medical certificate also shows possibility of sexual intercourse. Under such aggregating circumstances, I am of the that applicant/accused is not entitled for bail. Hence, I pass the following order.

ORDER

1] The application is rejected.

Malegaon,
Date: 08-07-2020.

(Aniruddha Subhash Gandhi)
Addl. Sessions Judge-2, Malegaon.