

MHNS100001372022



State of Maharashtra, through Police        ]  
Inspector, Ozar police station, Tal.        ]       Complainant.  
Niphad, Dist. Nashik.                        ]

V/s.

Abbas Yusuf Shaha                                ]       Accused

**Order below Exh. 03 in Special Case No. 10/2022.**

1]           This is an application for regular bail, U/Sec.439 of Cr.P.C.

2]           The case, in short, is that-

              The accused, Abbas Yusuf Shaha, is involved in Crime No.106/2021, of Ozar police station, registered U/Sec. 354, 354-(a) (1) (i), and 506 of I.P.C. and Sec.8 and 12 of POCSO Act.

3]           The girl child, Alfiya Siraj Shaha, is a school going girl of 11 years of age. The accused is a relative, and 55 years of age. On 25/11/2021, while Alfiya Shaha, was chopping grains, at that time, accused called her near with sexual intent, and by touching to her chest, she was taken to the backside of the door, and she was kissed at her cheek, and also at the lips. She was also sexually handled all over the body. She was also lifted, and tried to lay

down on the cot, but she rescued herself. She was also given Rs.20/- for keeping quiet, however, she refused and when mother came, informed incident to her. The report was lodged, offence was registered, investigation was carried out, and charge sheet is presented.

4] Now, the accused submits that, since 01/12/2021 he is in jail. False case is made out against him. Due to family dispute, he is not sexually harassed girl child. There is a delay of five days in lodging report. The applicant/accused is old aged person of 55 years, and suffering from hypertension, and other disease. He is not habitual offender. He will abide the conditions, if bail is granted, so requested to grant bail.

5] The State has resisted application on the ground that, the applicant has committed serious offence of sexual harassment of girl child. He is a close relative, and in case, bail is granted, he will pressurize victim, may repeat offence, so requested to reject application.

6] Heard both the parties. Perused papers. The accused is a close relative of the victim, and allegations of sexual harassment are made. In the cases of POCSO Act, the abuser is always near one, and dear one. However, looking to the old age of the accused, and ailment of hypertension, he is entitled for bail with stringent conditions. Hence, order-

### **ORDER**

1] Application is allowed.

- 2] Accused, Abbas Yusuf Shaha, be released on furnishing bail of Rs.25,000/- with one or two sureties, and on condition not to enter into the village-Ozar (Mig), Tal. Niphad, Dist. Nashik where the victim girl resides, till the decision of the case, and not to pressurize witnesses.

Date:-04/02/2022.  
Niphad.

(P.D.Digraskar)  
Addl. Sessions Judge, Niphad.