

**Spl. S. Case No. 157/2021**  
(CNR No. : MHPU01-003268-2021 )

**Asif Mohammad Shaikh.**  
**Vs.**  
**State of Maharashtra**

**ORDER BELOW EXH. 2**

1] This is bail application by Applicant/accused Asif Mohammad Shaikh for Regular Bail under Section 439 of the Code of Criminal Procedure in respect of Crime No.909/2020, registered under Sections 354 of Indian Penal Code and under sections 7, 8, 11(4), 12 of POCSO Act, at Police Station, Wakad, Pune.

2] Crime came to be registered on report of mother of minor victim girl. She alleged that on 26/12/2020 at about 6.00 pm. she was coming towards house with her minor daughter of 16 years by walk. Suddenly, applicant accused came across them and caught hold hand of her daughter and kissed her daughter on her cheek. Applicant-accused touched her daughter and thereby ravished her. Then, she shouted. Then accused-applicant left her daughter, pushed her and fled away. Then she called no. 100. Police arrived there and then she lodged the report.

3] Heard Advocate Mr. Kumar Ghogare for Applicant and learned APP Mr. Khan for the State.

4] Advocate for the applicant-accused submits that, no such incident had happened. Applicant-accused and daughter of

informant are having love affair. Informant disliked the same and thereby due to grudge she has filed the present FIR. Further, after completion of investigation, now charge-sheet has been filed. Applicant-accused is behind the bars since 26/12/2020. In the present situation of pandemic Covid-19, there is less possibility of immediate conclusion of trial. Hence, he prays for grant of bail.

5] Learned APP Mr.Javed Khan appeared for Respondent/ State and filed report of Investigation Officer. He submits that, informant and victim girl both have clearly stated about the incident. Offence is serious in nature. There are chances of tampering. Therefore, he prays for rejection of the application.

6] Perused the record.

7] Prima facie allegations against applicant-accused are to the extent that he caught hold hands of minor victim girl of 16 years and ravished her in presence of her mother. Though the allegations are serious, now investigation with the applicant-accused is completed and charge-sheet is filed. In the present situation of pandemic Covid-19, trial may take its own time. Therefore, by putting necessary conditions on applicant-accused he can be released on bail and his presence can be secured for trial. This will also be necessary for avoiding congestion in jail. Hence, I pass following order.

**ORDER**

1] The application (Exh. 2) is allowed.

2] The Applicant/accused Asif Mohammad Shaikh be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with solvent surety of the like amount in Crime No.909/2020, registered under Section 354 of Indian Penal Code and Section 7,8, 11(4) and 12 of POCSO Act at Police Station, Wakad, Pune, on the following terms and conditions.

[i] Applicant should not contact Informant, witnesses and should not tamper the evidence in the matter.

[iii] Applicant to attend court dates regularly.

[iv] Applicant should not indulge into any crime.

3] Intimate to the concern Police Station accordingly.

Pune.  
Date : 03/05/2021.

[ Smt. A. V. Rotte ]  
Additional Sessions Judge,Pune

## C E R T I F I C A T E

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

Name of the Court       :-     Smt. A. V. Rotte,  
District Judge – 2 and  
Additional Sessions Judge, Pune

Name of the Steno       :-     Shivaji N. Patil  
Stenographer (Grade-I)

Date of Order           :-     03/05/2021.

Order signed by  
presiding officer       :-     03/05/2021.

Order uploaded on     :-     05/05/2021.