

BA (Exh. 13) in Special (POCSO) Case No. 79/2020 ::1:: ORDER

MHCC050009712020



IN THE COURT OF SESSIONS, AT DINDOSHI
BORIVALI DIVISION), GOREGAON, MUMBAI
BAIL APPLICATION (EXHIBIT - 13)
IN
SPECIAL (POCSO) CASE NO. 79 OF 2020
(C. R. NO. 730/2019)
(CNR NO.MHCC05-000971-2020)

Ibrahim Hussain Rais Sayyed

Aged – 24 years, Occ : Unknown,
Residing at : Near Ambujwadi, Kargil Nagar,
Near Durga Temple, Malwani,
Malad, Mumbai – 400 095.

.... Applicant/Accused

V/s.

The State of Maharashtra

(At the instance of Malwani
Police Station, Mumbai in C. R. No. 730/2019)Respondent

Appearances :-

Ld. Advocate Mr. Jitesh Varshney for the Applicant/Accused.
Ld. A.P.P. Mrs. Usha Jadhav for the State.

**CORAM: H. H. The Additional Sessions Judge
Shri. A. A. Kulkarni
(C.R.NO.9)**

DATE : 11th December, 2024

ORDER

This application is filed by accused for bail under Section
439 of the Code of Criminal Procedure.

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2. It is the contention of the accused that accused has not committed any offence. It is further contention that victim and accused were in love affair. There is delay of 24 days in medical examination and nothing found against accused. It is further contention that statement of the victim is not reliable. There is contradiction of statement of victim and other witnesses. In view of investigation prima facie no offence is made out against accused for alleged offence. Accused is in judicial custody since long time. Hence, prayed for grant of bail.

3. The learned APP and investigating officer opposed the application. It is their contention that offence alleged against accused is serious and heinous offence. Previous bail applications filed by the accused are rejected by this Court. Hence, prayed for rejection of the application.

4. In view of submission from both the sides it is clear that earlier two applications are rejected by this Court on merit. If allegations against accused are taken into consideration on 13.09.2019 accused committed forceful sexual intercourse with minor daughter of the informant and threatened her to kill. It is also alleged that said offence is committed by the accused by kidnapping minor daughter of the informant. In view of such allegations and nature of offence, offence is serious and heinous. Therefore, accused is not entitled to be released on bail. Hence, I proceed to pass the following order.

ORDER

Application filed by accused **Ibrahim Hussain Rais Sayyed** for bail vide Exh. 13 in Special (POCSO) Case No. 79 of 2020 is rejected

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and disposed off.

Date : 11.12.2024

(A. A. Kulkarni)
The Addl. Sessions Judge
City Civil & Sessions Court,
Borivali Division, Dindoshi

Dictated on	: 11.12.2024
Transcribed on	: 16.12.2024
Checked & corrected on	: 18.12.2024
Signed on	: 18.12.2024
Sent to Dept. on	:

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CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER”

Date : 19/12/2024

Time : 10.31 A.M.

UPLOAD DATE AND TIME

Ms. Tejal C. Rane

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room
no.)

**HHJ Shri. A. A. Kulkarni
(Court Room No.9)**

Date of Pronouncement of
JUDGMENT/ORDER

11.12.2024

JUDGMENT/ORDER signed by P.O. on

18.12.2024

JUDGMENT/ORDER uploaded on

19.12.2024