

IN THE COURT OF SPECIAL JUDGE
UNDER THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES
ACT 2012 AT GREATER MUMBAI
POCSO BAIL APPLICATION (Exh-2)

IN

POCSO SPECIAL CASE NO.73/2020
(CNR NO. MH CC02-001661-2020)
(C.R.NO.476/2019)

Shahrukh Qasim Ali Khan
Age :- 26 years
Occupation :- Driver
R/at :- 7, Sarvat Ali Chawl,
Azad Nagar, Sonapur, Bhandup,
Bhandup (W), Mumbai.

....Applicant/Accused

V/s.

The State of Maharashtra
(At the instance of Mulund Police Station)

.....Respondent

Appearance:-

Mr. Ganesh Gupta, Advocate for the applicant/ accused.

Ms. Sanjana Sharma, S.P.P. for the State.

CORAM :- HER HONOUR JUDGE
JAYSHRI R. PULATE
(C.R.NO.29)

DATE :- 07th March, 2020.

ORDER

1. This is an application for bail under section 439 of Code of Criminal Procedure, as accused is prosecuted for the offences punishable

under sections 376 (2) (i), 363, 506 of Indian Penal Code, under section 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 in connection with C.R. No.476 of 2019 of Mulund Police Station **(Hereinafter referred to as “IPC” and “POCSO Act”)**).

2. The applicant/accused has prayed for grant of bail on the ground that there is absolutely no evidence on record about commission of sexual assault with victim. The victim was deeply in love with the applicant and F.I.R. has been lodged under the pressure of her mother. The victim and applicant are knowing each other since 3 to 4 years. Charge-sheet has been filed and investigation is completed. No interrogation remained pending with the applicant. Thus, it is prayed for grant of application.

3. The prosecution has filed reply at Exh-2-A and the bail application is opposed on the ground that there is possibility of absconding accused and pressurizing prosecution witnesses. There is possibility that the accused will commit similar type of offence.

4. Heard learned Advocate for the applicant and learned SPP at length.

5. It is submitted by learned Advocate for accused that there is delay of 10 to 11 hours in lodging the F.I.R. Medical evidence is not corroborating to the recitals of report. No injuries were found on the person of victim. The accused is ready to abide by all the conditions imposed by Court. Thus, it is prayed that the accused may kindly be released on bail.

6. The allegations against the applicant is that on 01.12.2019 at about 12.30 p.m. the applicant/accused forwarded message to the victim asked her to come near CNG Petrol Pump, Mulund, (W). When the victim reached there he made her to sit on bike and thereafter, they proceeded to Rubbale to board the lodge Sai Kripa Housing using Aadhar Card of other girl. It is further alleged that the applicant pulled hand of victim, pushed her on the bed and committed forcible sexual intercourse with her. After perusal of the statement of victim and other witnesses, and considering the fact that at this stage no investigation is pending against the applicant, no purpose will be served by keeping the accused behind the bar and he can be enlarged on bail by putting stringent conditions. Resultantly, I pass following order.

ORDER

1. The Bail Application (Exh-2) in POCSO Spl Case No. 73/2020 is hereby allowed.
2. The applicant/accused, be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- (Rs. Twenty Thousand Only) with one or two sureties, in the like amount.
3. The accused shall not tamper with the prosecution evidence and he shall not make any inducement, threat or promise to the victim, informant, family members and witnesses.
4. The accused shall provide his residential address proof and his native place address proof as well as his phone details and phone details of his two close relatives, in writing, to the Court and

concerned police station.

5. The accused shall not reside and shall not visit the locality where the victim is residing.
6. The accused shall not leave India without prior permission of this Court.
7. The accused shall not leave Maharashtra without prior permission of this Court.
8. The violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
9. Bail Application (Exh-2) in POCSO Spl Case No.73/2020 stands disposed of accordingly.

(Jayshri R. Pulate)
Special Judge
Under POCSO ACT, 2012
Gr. Bombay

Date :- 07.03.2020

Dictated on	: 07.03.2020
Transcribed on	: 07.03.2020
Signed on	: 09.03.2020

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
UPLOAD DATE	TIME	STENOGRAPHER NAME
11.03.2020	02.50 p.m.	Ms. Ujwala J. Bhagat.

Name of the Judge	H.H.J. Jayshri R. Pulate. (Court Room No.29)
Date of pronouncement of Order	07.03.2020
Order signed by P.O. on	09.03.2020
Order uploaded on	11.03.2020

