

POCSO BA No. 691/22
in POC SO RA 1067/22

1

Date 11.11.2022

**IN THE SPECIAL COURT FOR PROTECTION OF CHILDREN FROM
SEXUAL OFFENCES ACT, 2012 AT FORT, GREATER BOMBAY**

BAIL APPLICATION (POCSO) NO. 691 OF 2022

IN

(POCSO) REMAND APPLICATION NO. 1067 OF 2022

CNR NO. MHCC02-014616-2022

Mr. Mohasin Mansoorali Shaikh,)
Aged 25 years, Occ. : Zomato Delivery Boy,)
Residing at Room No. 02, Jummat Compound,)
Jasmit Meek Road, Balika Nagar, Dharavi,)
Mumbai – 400 017.) ... Applicant

V/s.

1. The State of Maharashtra,)
(At the instance of Bandra Police Station, in)
C.R. No. 1793 of 2022)) ...Respondent

Appearance :

Ld. SPP Bansode for the State.

Advocate Sujit Satam for the accused.

HC 2878 attached to Bandra Police station.

CORAM : H.H. THE SPECIAL JUDGE

UNDER POC SO ACT

SMT KALPANA K PATIL

DATE : 11/11/2022 (C.R.NO.36)

O R A L O R D E R

1. Applicant/accused has filed this application u/sec. 439 of Cr.P.C. for grant of bail in connection with C.R. No. 1793 of 2022, for the offences punishable u/sec. 354 of Indian Penal Code and u/sec. 8 and 12 of the POC SO Act, registered with Bandra Police Station, Mumbai.

2. Brief facts giving rise to the present application are as under:

Informant is residing alongwith her husband and daughter aged 13 years. On 30.10.2022 at about 2.45 p.m. informant went out for her work. Her husband also went out of the house at about 3.00 p.m.

Informant returned home at 9.00 pm. At that time, her daughter i.e. victim was standing outside the house. Victim is deaf and she used to communicate by signs. Informant know the meaning of signs made by victim. When informant returned home and going inside the house with the victim, victim was trying to say something to informant by signs. Victim informed her mother by signs that while she was coming from Grocery shop, someone has kissed her in a lane near their house. When informant asked details of that person, victim took informant to the house of Mohasin Shaikh. Therefore, informant took victim to his house but he was not present there. His sister Reshma and brother Rais were present. When informant asked victim whether Rais kissed her, she refused. After some time Mohasin came there. At that time, victim pointed out towards him and told by signs that he kissed her. Then, informant went to police station alongwith victim and filed report.

3. Applicant has submitted that he is innocent and falsely implicated by the complainant in the present case. Informant's family members and Applicant's family members were frequently quarreling with each other and for taking revenge of the same they falsely implicated to the present applicant. At the date of incident the applicant was not present and he was went to deliver the food items of Zomato. The applicant has not done any such ill act as alleged by the complainant and her minor daughter. The section leveled against the applicant are false and baseless. The entire story against the applicant has been concocted story made by the complainant and her family members and sent the applicant behind the bar. The applicant is only earning member of his family and he is younger boy and no will look after behind them and if, keeping the applicant in jail then, it will ruin his further life and will affect on his job and society. He is ready and willing to co-operate with

the police whenever required. He is permanent resident of Mumbai. He has no record of discredit or any criminal antecedents. He undertake not to tamper or hamper with the witness and evidence. He shall abide by all the terms and conditions that may be imposed this Court of his release on bail.

4. Application has been opposed by the prosecution by filing say vide Exh. 2. It is submitted by the prosecution that if, accused is released on bail there are chances of pressurizing prosecution witnesses. At last, prosecution prayed that bail application be rejected.

5. Heard both sides and also perused FIR and the trip history filed by accused showing that he was working as delivery boy and was not present in the area of his house. He was out for delivering the food items. Documents filed on record shows that accused was out for his work as delivery boy continuously from 7.39 p.m. to 2.45 a.m. however, as per prosecution case at about 9.00 p.m. informant took victim to the house of accused and after sometime he came there and at that time victim pointed out accused. These allegations appears contradictory to the documents filed on record by the accused in support of his bail application. Police have not submitted the investigation papers and police report is cryptic. Both of victim and accused are residing in same area. Considering the allegations against accused, if he is released on bail by imposing strict conditions preventing him from approaching victim and other prosecution witnesses, there will not be any interference in the investigation and prosecution evidence. Hence, I proceed to pass the following order :

ORDER

1. Bail Application (POCSO) No. 691 of 2022 in C.R. No. 1793 of 2022 in Remand Application No. 1067 of 2022, is hereby allowed.
2. Accused **Mr. Mohasin Mansoorali Shaikh**, has been released on bail after furnishing P. R. Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety of the like amount.
3. Provisional cash bail of like amount is allowed. Applicant/ Accused to furnish surety within Eight weeks, after his release.
4. The accused shall not tamper with prosecution witnesses, shall not contact the victim by any mode and shall not leave India without permission of the Court.
5. The accused shall furnish the photo copy of his Aadhar Card, photo copies of documents of his permanent and temporary residential address, to this Court, so also to the Investigating Officer, within four weeks from the date of this order.
6. The accused shall give intimation in writing to Investigating Officer and this Court as and whenever he changes his residential/ temporary address.
7. The accused shall furnish in writing the details including names and addresses of his three blood relatives, whose names are not in the FIR, within four weeks from today to this Court so also to the Investigating Officer.

POCSO BA No. 691/22
in POCSO RA 1067/22

5

Date 11.11.2022

8. Breach of any of the conditions of this order shall be a ground for its cancellation.

9. The application stands disposed off accordingly.

Mumbai:
Date: 11/11/2022

(KALPANA K. PATIL)
Special Judge under POCSO Act,
Court Room No.36, Gr. Bombay.

Dictated on : 11/11/2022
Transcribed on : 11/11/2022
Signed on : 11/11/2022

POCSO BA No. 691/22
in POCSO RA 1067/22

6

Date 11.11.2022

“Certified to be true and correct copy of the original signed order”.

11/11/2022
at about 5.35 p.m.

(Ms. Varsha V. Sawant)
Stenographer (H.G.)
Court Room No.36

Name of the Hon'ble Judge	:	Smt. Kalpana K. Patil (Court Room No.36)
Date of pronouncement of Judgment/Order	:	11/11/2022
Judgment/Order signed by Hon'ble Judge on	:	11/11/2022
Judgment/Order uploaded on	:	11/11/2022