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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.292 OF 2015

Suryanath Ramdulare Singh	...	Applicant
V/s.		
State of Maharashtra	...	Respondent

Mr.S.S.Lanke, for the Applicant.
Ms.Rutuja Ambekar, APP for the Respondent – State.
PSI – Dilip Ananat Gaonkar, Antop Hill Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.
DATED : 6th APRIL, 2015.

PC.

1. Heard learned counsel for the applicant and the learned APP for the Respondent – State.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.171 of 2014 registered with the Antop Hill Police Station, Mumbai, for the alleged offences punishable under Section 364 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. This is the second bail application preferred by the applicant. The first bail application was dismissed as withdrawn by this Court (Coram : Smt.Sadhana S. Jadhav,J.) vide order dated 4th December, 2014. The said order dated 4th December, 2014, reads thus :-

“1. Learned Counsel for the applicant upon instructions seeks liberty to withdraw the application. Liberty as prayed for is granted in the interest of justice. The learned Special Court is however requested to make an endeavour to expedite the matter as far as possible. The application is dismissed as withdrawn and disposed of accordingly.”

4. Learned Counsel for the Applicant states that the applicant has a good case on merits and that he has been falsely implicated by the father of the victim girl in the said case. He submits that the applicant is ready to give an undertaking that he will not enter the jurisdiction where the complainant resides. He relied on certain judgments in support of his submission, for releasing the applicant on bail.

5. The victim girl is aged 15 years of age. She has alleged that on a number of occasions when she had been to the Flour Mill, the applicant aged 42 years would outrage her modesty, by touching her inappropriately. She has alleged that on the first few occasions, out of

shame and fear, she did not disclose the said incident to any of her family members. However, on 15th June, 2014, when she had again been to the flour mill, the applicant is alleged to have pulled her and again outraged her modesty, resulting in her raising hue and cries. Accordingly, one Sachin Khilare, came to her rescue and thereafter a complaint was filed against the applicant. The history given to the doctor by the victim girl corroborates the said fact. The statement of Sachin Khilare recorded in the said case, also corroborates the statement of the victim girl.

6. Considering the nature of allegations, this is not a fit case to enlarge the applicant on bail, as there is every likelihood of the applicant tampering with the evidence and influencing/intimidating the complainant and her family members. Even otherwise, according to the learned APP, charge in the said case has been framed on 18th February, 2015. Learned APP submits that infact, on the last two occasions, when the applicant was produced before the trial court, the applicant's advocate sought an adjournment.

7. Infact, vide order dated 4th December, 2014, this Court had requested the learned Special Judge to make an endeavour to expedite

the matter as far as possible. The applicant shall co-operate with the conduct of the trial to enable the Special Court to dispose of the case, as expeditiously as possible.

8. The Application for bail is rejected and disposed of as such.

9. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application and the learned Judge shall not be influenced by the observations made in this order, while conducting the trial.

10. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)