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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 757 OF 2015**

Krishnavanshikumar Hari Bodke

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Shailesh Kharat, for the Applicant

Ms. S.S. Kaushik, A.P.P for the Respondent-State

P.I – J.N. Mate, L.A. III Varali, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 414 of 2014, registered with the Kandivali Police Station, Mumbai for the alleged offences punishable under Sections 354(B) of the Indian Penal Code and under Sections 7, 8, 9(F), 10 of the Protection of Children from Sexual Offences Act.

3. The complainant is the mother of the victim girl, aged 5 years. According to the complainant, the incident in question has taken place on 5th December, 2014. She has alleged that on the said date, as it was her daughter's birthday, she was not wearing a school uniform, but was in her civilian clothes. She has alleged that when she picked up her daughter in the afternoon, her daughter disclosed to her that the applicant, who was her Sir was checking her pocket. She has stated that when she asked her daughter as to why her Sir was checking her pocket, she disclosed that her Sir was checking her pocket to see what gift she had brought. She has stated that when she repeatedly asked her daughter, she replied that her Sir was a dirty Sir. According to the complainant, her daughter disclosed to her that the applicant removed her pant and touched her private part.

4. Learned Counsel for the Applicant submits that the offence is punishable with seven years and the trial is not likely to commence in the immediate near future. He submits that a perusal of the statement of the victim girl, recorded under section 164 of the Code of Criminal Procedure shows that at the relevant time the victim girl was escorted by a maid/aaya of the school and that she was present soon after the said incident.

According to him, after the incident, the aaya is alleged to have taken the victim girl back from the room where the incident took place. He further submits that the said fact is not borne out by the statement of the aaya, which is on page 41A of the application.

5. Learned APP has opposed the bail application. She submits that the allegations are serious and that the applicant will tamper with the evidence. She submitted that considering the gravity and nature of allegations, the application be rejected.

6. Perused the papers. It appears from the 164 statement of the victim girl that when the incident happened, the maid came there, who dressed her again. However, a perusal of the statement of the maid shows that she does not state the same. Be that as it may, it appears that as of today, the applicant has been suspended from the school. Investigation is complete and charge-sheet is filed. Considering the pendency before the Special Court, the possibility of trial commencing in the immediate future also appears to be remote. Considering the aforesaid fact, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the Kandivali Police Station, Mumbai, on the first and third Saturday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicant shall not tamper, contact, threaten or attempt to influence the complainant, victim girl, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.