

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 808 OF 2015

Manoj Tukaram Chandanshiv	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Jacob Manoharan, Advocate for the applicant.
Mrs. R.V. Newton, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **29th April , 2015**

P.C.:

This Application is moved for bail. The applicant/accused is facing charges under sections 354, 354B, 354D, 341r/w. 34 of the Indian Penal Code and sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012. The victim girl who was 16 years old and a student gave complaint in respect of sexual assault on 28th March, 2015, pursuant to which offence was registered at C.R. No. 114 of 2015 with Bhadrakali Police Station.

2. It is the case of the victim that while she was returning from her class, one traffic police stopped her and told her that she would be prosecuted, however, when people gathered there, he left her. When the victim girl was proceeding in rickshaw, two persons came on motorcycle and followed her rickshaw. The pillion rider threw one chit on which his cell number was written and thereafter they went away. After sometime when she met her friend, again they followed her and went away. So, the

girl gave complaint. The applicant/accused is one who was the pillion rider. The applicant was taken in custody on 29th March, 2015. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that the act done by the applicant/accused is only throwing chit on which his cell number is written. The applicant/accused is 27 years old and he is working as a driver in the State Transport. He is married and has three children. He submitted that considering the period which he has spent inside the prison, the applicant be released on bail.

4. Learned APP opposed the Bail Application. She submitted that identification of the applicant/accused is necessary, as the victim did not know the culprit prior to the offence. She submitted that Investigating officer had applied to Test Identification Parade to Jailer on 6th April, 2015 and the Jailer wanted order from the Court and till today, Test Identification Parade is not conducted.

5. Considering the allegations and the nature of offence, I am inclined to grant bail to the applicant/accused. However, it is also necessary to conduct Test Identification parade. There is delay in conducting Test Identification Parade and for a long time the applicant/accused is not to be kept behind the bars considering the nature of allegations, Hence, I pass following order:

ORDER

- (i) The Application is allowed.
 - (ii) Time given to the Investigating officer to conduct Test Identification Parase, if she wants to conduct, till 7th May, 2015.
 - (iii) The applicant be enlarged on bail thereafter, i.e., on 8th May, 2015 on furnishing P.R. Bond in a sum of Rs.10,000/- with one or two sureties in the like amount.
 - (iv) The applicant shall not harass the prosecutrix in any manner and not to keep any contact with her.
 - (iv) The applicant/accused shall make himself available and attend all the Court dates.
 - (v) The applicant/accused shall not abscond and shall furnish his address to the police along with address proof.
 - (vi) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
 - (vii) The applicant shall not leave India without the prior permission of the Court.
6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)