

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.930 OF 2015

Mr. Anil Nana Jadhav	..Applicant
<i>Versus</i>	
The State of Maharashtra	..Respondent

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Mr. Nitin P. Dalvi i/b. Mr. Santosh P. Khopade, Advocate for the Applicant.

Mr. Arfan Sait, APP, for the State.

Mr. Vasmik Patil, API, Bhadrakali Police Station, Nashik City, is present.

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CORAM : A. R. JOSHI, J.

DATE : 6th MAY, 2015

P.C.

1. Heard the learned Counsel for the applicant. Also heard the learned APP for the State.

2. This is the regular bail application in C.R. No.114 of 2015 registered against the present applicant and one more co-accused for the offences punishable under Sections 354, 354B, 354D and 341 of IPC read with Sections 7, 8 and 12 of the Protection of Children from Sexual Offences Act. The allegations against the present applicant are that he had stopped the complainant girl while she was proceeding on the

road in the evening of 28th March, 2015. That time the applicant was in police uniform usually used by the traffic police. He caught hold of the hand of the girl and asked some sexual favours. She retorted him by slapping him on his face. On this the applicant gave her threat of legal action and dire consequences. The people gathered there pacified the situation and told the applicant that he has done wrong. Thereafter the applicant left the place on the motorcycle. Thereafter another incident happened at about 7:45 p.m. in which one more person on a motorcycle came behind her and chased her autorickshaw in which she was travelling. Thereafter at some place when the complainant girl got out of the autorickshaw and started going to her house another person and his another associate still followed her and accused No.2 threw one small piece of paper on which some mobile number was written. Then both the said persons flee away. Said second person (accused No.2) was granted bail by this Court (Coram: Mrs. Mridula Bhatkar, J.) vide order dated 29th April, 2015.

3. So far as the present applicant is concerned, it is strongly submitted on behalf of the applicant that the test

identification parade was conducted as directed by this Court while granting bail to the co-accused and in the said test identification parade the present accused and also co-accused No.2 were not identified by the complainant girl. Much reliance is placed on this non-identification by the complainant which goes to the root of the matter as to the identity of the person who had tried to molest the complainant girl. On this, the learned APP, on instructions, conceded that in the test identification parade the complainant girl had not identified any of the accused persons.

4. Considering the above factual position and considering custody of the present applicant since 30th March, 2015 and considering that reasonable doubt is created as to the identification of the accused, the present applicant can be released on bail on certain conditions. Hence the order :

:: O R D E R ::

- [i] Criminal Bail Application No.930 of 2015 is allowed;
- [ii] The applicant be released on bail on his executing a PR bond in the sum of Rs.15,000/- (Rupees Fifteen

Thousand Only) with one or two sureties for the like amount;

[iii] In the event of availing the bail, the applicant shall attend the concerned Bhadrakali police station, Nashik on every Sunday between 10 a.m. to 12:00 noon, till filing of the charge-sheet;

[iv] The applicant shall not directly or indirectly try to influence the prosecution witnesses and tamper with the prosecution evidence.

[v] The observations in this order are *prima faice* in nature and the trial Court shall not be influenced by these observations while dealing with the case at the final adjudication.

[vi] Criminal Bail Application is disposed of accordingly.

(A. R. JOSHI, J.)