

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2411 OF 2014

Deepak Madukar Gaikwad

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Shriram S. Kulkarni a/w Mr. Rajan S. Pawar for Applicant

Ms. Vira Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : JANUARY 21, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 22/08/2014 in crime no. 147 of 2014 registered at Shivaji Nagar Police Station, Pune for offence punishable under section 354 (A) of Indian Penal Code and section 8 & 12 of Protection of Children from Sexual Offences Act, 2012. Investigation is completed and charge-sheet is filed.

2) It is the case of prosecution that on 21/08/2014, one Kalpana Mirgane lodged a report at the police station, alleging therein that on 19/08/2014, at about 9.30 am, one Deepa Sable was residing in the neighbourhood informed her that minor girls living in the said vicinity had complained to her that present applicant who happens to be working with the Social Welfare

ism

Department of the State of Maharashtra and is in-charge of Anganwadi is indulging into activities such as showing pornographic clips to the minor girls. Under the pretext of preparing them for drawing competitions, he has sexually abused them. Complainant had alleged that applicant had not attended the office for the past two days. On the basis of the said statement, offence was registered against present applicant. In the course of investigation, it was revealed that applicant was in-charge of conducting social and cultural activities for the socially backward classes. He is the original employee of the Social Welfare Department. He has misused his position and has committed the alleged offence.

3) Learned APP submits that the acts of the present applicant have left a bad imprint on the tender minds of the minor girls. Being a Government servant, he ought not to have indulged into such activities.

4) As against this, learned counsel for the applicant submits that the applicant has been falsely implicated, since the people in the slum area wanted to vacate the premises utilized by the Social Welfare Department to run Anganwadi Centre and therefore, they have targeted the present applicant. Be that as it may, it is further argued that offences alleged against present

applicant are punishable for a minimum sentence of 3 years and maximum sentence of 5 years. Learned counsel submits that in view of the offences alleged, applicant has been placed under suspension and is not residing in the area, where the alleged offence has taken place.

5) Taking into consideration the fact that applicant has been in custody for more than 5 months and that offences alleged are punishable up to 5 years, this Court is inclined to grant bail.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.
- (iii) Except for the purpose of trial, applicant shall not visit the said area.
- (iv) Applicant shall not contact the witnesses in any way.

Application stands disposed of in above terms.

(SMT. SADHANA S. JADHAV, J.)