

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2222 OF 2015

Vinayak @ Bal Ravindra Ghanekar

..Applicant

-Versus-

State of Maharashtra

..Respondent

Mr.Silvin Yohanan Kale for applicant

Ms.S.S.Kaushik, APP for State

CORAM : A.S.GADKARI, J.
DATE : 21st November 2015.

P.C.

1] The applicant is seeking bail in C.R.No.170 of 2015 registered with Chembur Police station, Mumbai under section 354(1), 323, 504, 506, 509 of IPC and under section 8, 11(i) and 12 of Protection of Children from Sexual Offences Act, 2000. The date of offence in the present crime is 28th June 2015. It is the case of the prosecution that the victim girl was returning from her friends house in the afternoon when she observed that the applicant was taking her photographs on his mobile phone. The victim girl along with her friends, thereafter, questioned the applicant about the same, on which the applicant threatened her and in furtherance thereof, he her hand. The victim girl rescued herself from the clutches of the applicant and informed her father about the said

incident. The said incident was reported to police and the police apprehended the applicant on the same date i.e. 28th June 2015 . The aforesaid crime was registered on the basis of F.I.R. of victim.

2] As of today, investigation has been completed and charge sheet has been filed. It appears from the perusal of the FIR that the applicant held the hand of the victim after she questioned him about the photographs he was taking and in furtherance of the altercations which took place err to it and, therefore, at this stage prima facie it is difficult to infer that the applicant was having any intention to commit an offence under section 354 of IPC.

3] Learned APP on instructions from the I.O. submitted that the applicant is involved in two other crimes registered with Chembur police station. The said crimes are under section 379 and section 324 of IPC respectively.

4] In view of the above, I am of the opinion that the applicant is entitled to be released on bail in the present crime. Hence, the following order:-

(I) The applicant is released on bail on his furnishing P.R.Bond of Rs.15,000/- with one or two sureties in the lika amount;

(ii) The applicant shall not enter jurisdiction of Chembur police station during the pendency of the trial. The applicant shall mark his presence at the Chembur police station once a month on first Monday of every month. Except for marking his presence, the applicant shall not enter the jurisdiction of the Chembur police station as stated hereinabove;

(iii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;

(iv) Application is allowed in the aforesaid terms.

4] It is made clear that the observations made herein are made in the context of deciding this application and the trial court shall not be influenced by the same at the time of trial.

(A.S.GADKARI, J)