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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.477 OF 2016**

Kisan Aakaram Tengale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Avinash Kamkhedkar, for the Applicant

Ms.Veera Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 5th APRIL, 2016

P.C.:

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.28 of 2016 registered with the Jat Police Station, Sangli, for the alleged offences punishable under Sections 354(A)(1)(A) r/w 34 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned Counsel for the Applicant states that even if the FIR

is read as it is, no overt act is attributed to the applicant. He submitted that the only allegation as against the present applicant is that he was present at the spot, at the time of the alleged incident. He submits that it was co-accused – Bhagvat Padalkar, who had held the complainant's hand.

4. Learned APP states that the applicant was present along with the other co-accused on a motorcycle. However, she submits that there are no allegations qua the present applicant that he in any way outraged the modesty of the complainant.

5. Perused the papers. Considering that no overt act is attributed to the present applicant, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

(ii) The applicant shall attend the concerned Police Station on

every Saturday, between 10.00 a.m. to 11.00 a.m., till the filing of the charge-sheet;

(iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

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

7. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.