

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.213 OF 2016

Sameer Hanumant Bhandvalkar

..Applicant

V/s.

The State of Maharashtra

.. Respondent

Mr.Rupesh Zade for Applicant.

Mr.D.P.Adasule, APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.,

DATE : 11th MARCH, 2016.

P.C.

1. Heard learned counsel for the applicant and learned APP for the Respondent-State.

2. By this application, the applicant seeks his enlargement on bail in connection with CR No.397 of 2015 registered with Baramati Taluka Police Station, Pune, for the alleged offences punishable under Sections 354A, 323, 504 and 506 read with section 34 of the Indian Penal Code and under section 3(1)(x) of the S.C. and S.T. (Prevention of Atrocities) Act, 1989.

3. According to the complainant, on 23rd November 2015 at about 11.20 p.m., when she was sitting with her family members, the applicant called on her mobile and asked her to come on the road near her house. When she went on the road, she saw the applicant and co-accused Manoj Chopde standing there, with their motorcycle. The complainant has stated that the applicant disclosed his love for her and held her left hand and embraced her. She has further stated that co-accused Manoj Chopde also acted as in a similar manner. When the complainant resisted, the applicant and the co-accused are alleged to have abused her on the basis of her caste and assaulted her with fist and kick blows. When the complainant cried for help, her family members came to the spot, the applicant and co-accused fled, after threatening them.

4. Learned counsel for the applicant submitted that all the offences except the offence under the S.C. and S.T. (Prevention of Atrocities) Act, 1989 are bailable. He submits that co-accused Manoj Chopde has been enlarged on bail. He submits that prima facie, the provisions of the of the S.C. and

S.T. (Prevention of Atrocities) Act, 1989 are not applicable, since the same was not made in public view.

5. Learned APP opposed the bail application. He submitted that there are two CR's registered against the applicant, one for an offence punishable under section 379 and another for an offence punishable under section 394 read with 34 of the Indian Penal Code.

6. Perused the papers. The incident has taken place on 18th November 2015 and the FIR is lodged on 23rd November 2015. Co-accused Manoj Chopde has been enlarged on the bail and the nature of the allegations against the present applicant are similar. The applicant has been in custody since 21st December 2015. Considering the peculiar facts of the case, the applicant is enlarged on the bail on the following terms and conditions:-

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like

amount;

(ii) The applicant shall report to the Investigating Officer, Baramati Taluka Police Station on the first Saturday of every month between 10:00 a.m. to 12:00 noon for a period of 12 months, after his release, and thereafter once in a two months, till the conclusion of the trial;

(iii) The applicant shall not enter the jurisdiction of Jambhli Phata, Sherewadi, where the complainant is residing.

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

(v) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to cooperate in the conduct of the trial;

(vii) The applicant shall file an undertaking in the Trial Court, with regard to clauses (ii) to (v) within 2 weeks of his release.

(viii) If there is a breach of any of the aforesaid conditions

the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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

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

(REVATI MOHITE DERE, J.,)