

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 252 OF 2016

Ramdas Balu Wakshe

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. M.A. Attar for Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 21st September 2016.

P.C.

1 This is an application under Section 439 of Cr. P.C. for bail in CR No.350 of 2015 registered with Mankhurd Police Station, Mumbai dated 20.10.2015 under Sections 354, 452, 342 of the Indian Penal Code and Sections 8 and 12 of the Prevention of Immoral Trafficking Act (PITA Act) and under Sections 3,8 and 16 of Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2 The first information report is lodged by the minor victim girl who was at that relevant time 17 years of age. With a view to protect the

identity of the victim girl and in consonance with the provisions of Section 228(A) of the Indian Penal Code, the detailed facts mentioned in the present application, the first information report and in the statements of the victim girl are hereby avoided. Suffice it to say that on the basis of the information given by the first informant the present crime for aforestated offence is registered. It is stated in the first information report that the alleged act as contemplated under Section 354 read with 452 of the Indian Penal Code occurred on 18.10.2015 at about 9.30 p.m. and the present crime is registered on 20.10.2015. During the course of investigation the applicant was arrested on 28.11.2015. After completion of investigation, police have filed the chargesheet.

3 A bare perusal of the first information report and other documents would reveal that the applicant by taking undue advantage of the situation has committed the alleged offence as contemplated under Section 354 of the Indian Penal Code. It is revealed from the evidence on record that after the victim girl and her mother informed the said fact to the father of the applicant, he beat the applicant and drove him out of the house and because of which the applicant was not available till 28.11.2015. As stated earlier, the applicant was arrested on 28.11.2015. The maximum sentence prescribed under Section 354 is five years of imprisonment. The

applicant is in jail for about 10 months. The applicant has therefore made out a case for his release on bail.

4 Hence, the following Order:

(i) The applicant be released on bail in CR No.350 of 2015 registered with Mankhurd Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Mankhurd Police Station once in month i.e. on every 1st Monday of the said month between 11.00 a.m. to 2.00 p.m. till the completion of trial.

(iii) The applicant shall attend all dates before the Trial Court.

(iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

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

5 The Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)