

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 473 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Amit Mundhe for the Applicant.

Ms.N.S.Jain, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 31st August, 2016

P.C.

1) This an application under Section 439 of the Cr.P.C. for bail in CR No.45/2015 registered with RCF Police Station, Mumbai under Section 376, 452, 504 and 506 of the Indian Penal Code.

2) The first information report is lodged by Smt. Hira Barde. It is case of the prosecution that the nephew of victim by name Ganesh aged about 6 years was in the house when the applicant entered the premises. The applicant thereafter asked him to bring some food articles from the nearby shop and thereby committed the present offence. That, when the applicant was leaving house of the

informant, the witness by name Smt. Pooja Nair saw him and thereafter made enquiry from the informant about the same. The informant narrated the incident to the said witness and thereafter the present crime has been registered. The applicant is arrested on 16.2.2016. After completion of investigation the police have submitted the charge sheet.

3) It prima facie appears from the record that there are material contradictions in the statement of the first informant and in the statement of the witness namely Pooja Nair and the child witness namely Ganesh as to the sequence and events which took place prior to or after the commission of the alleged offence. The learned counsel for the applicant submitted that it is the case of the applicant that he has been falsely implicated in the crime and the alleged offence was a consensual act. As stated earlier the applicant is arrested on 16.2.2016 and since then he is in Jail.

4) The learned APP submitted that the victim and the witnesses are residing in the same locality and if the

applicant is released on bail he will tamper with the evidence and will threaten the witnesses. The said apprehension can be taken care of by imposing stringent conditions on the applicant.

5) In view of the above, the applicant has made out a case for his release on bail.

6) Hence, the following order.

a) The applicant be released on bail in CR No.45/2015 registered with RCF Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After his release from jail the applicant shall not enter the jurisdiction of the RCF Police Station except for marking his presence with the said police station as directed herein below.

c) After his release from Jail the applicant shall attend the RCF Police Station once in a month i.e. on every first Monday of the month between 11.00 a.m. to 3.00 p.m. and shall withdraw himself from the jurisdiction of RCF Police Station in any circumstances after 3.00 p.m.

d) Before his release from jail the applicant shall

supply his address where he intends to reside to the RCF Police Station.

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

f) Any two consecutive defaults in complying with the aforesaid conditions shall attract the provisions of Section 439(2) of the Cr.P.C.

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

h) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)