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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 507 OF 2016

Prathamesh Satyavan Pawar

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Ms. Anjali Awasthi for applicant.

Ms. J.S. Lohakare, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 30th August 2016.

P.C.

1 This is an application under Section 439 of Cr. P.C. for bail in CR No.223 of 2015 registered with R.C.F. Police Station, Mumbai dated 3.9.2015 under Sections 376, 354(d), 342, 506 of the Indian Penal Code and under Section 4 and 8 of Protection of Children from Sexual Offences Act, 2012 (PCSO Act).

2 The first information report is lodged by Smt. Kamal Rathod, mother of the victim girl on 3rd September 2015. 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 is hereby avoided. Suffice it to say that on the basis of the first information report lodged by the mother of the victim girl, the present crime is registered against the applicant. After completion of investigation, police have filed final report in the present crime.

3 Heard the learned counsel for the applicant and the learned APP for the State. I have also perused the entire chargesheet annexed to the present application.

4 It is to be noted here that bare perusal of the statements of the victim girl would reveal that she was acquainted with the present applicant. Prima facie, it appears that the applicant and the victim girl used to meet each other in their locality. That their acquaintance subsequently blossomed in the friendly relationship. It is alleged that the applicant by taking undue advantage of the situation has committed the present offence. It also appears that the victim girl has attained the age of understanding. The applicant is arrested on 30.9.2015 and since then he is in jail. The record discloses that there are no antecedents at the discredit of the applicant. However, the learned APP expressed apprehension that if the applicant is released on bail, he may tamper with the evidence and/or threaten the

witnesses in the present crime including the victim girl. The said apprehension can be taken care of by imposing stringent conditions upon the applicant. In view of the above, the applicant the applicant is entitled to be released on bail

5 Hence, the following Order:

(i) The applicant be released on bail in CR No.223 of 2015 registered with R.C.F. Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or more solvent local sureties in the like amount.

(ii) The applicant is permitted to furnish cash bail for a period of six weeks and during the said period he will have to comply with the formalities of submitting sureties.

(iii) After his release from the jail, the applicant shall not enter the jurisdiction of R.C.F. Police Station except for marking his attendance in the police station.

(iv) After his release from the jail, the applicant shall attend the R.C.F. 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.

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

(vi) The applicant shall not contact the victim/informant and/or other witnesses in the crime and keep himself away from them.

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

(viii) Criminal Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)