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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.702 OF 2016**

Shivram Kanha Mhatre

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Raju D. Suryawanshi, for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 30th JUNE, 2016***

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-13 of 2016, registered with the Khadakpada Police Station, for the alleged offences punishable under Sections 354 of the Indian Penal Code and under Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.
3. The complainant was residing with her husband and two

daughters, aged 9 and 7 years. The applicant was the landlord of the premises where the complainant was residing with her family. She has alleged that on 6th January, 2016 at about 7.30 p.m. when she had gone out for some work, the present applicant came home and outraged the modesty of her daughter aged 9 years. She has stated that when she returned home her daughter informed her that when she was watching T.V, the present applicant entered the house on the pretext of handing over a electricity bill. She has stated that her daughter disclosed her that the applicant pulled her, made her to sit on his lap and touched her inappropriately on her chest and private part. Pursuant thereto, the complainant lodged the aforesaid complaint.

4. Learned Counsel for the applicant submitted that the applicant was the landlord of the premises where the complainant was residing with her family. He submitted that the Leave and Licence Agreement which was entered into between the applicant and the complainant expired in November, 2015 and that the complainant had sought extension of time to vacate the said premises. He submitted that on account of the same, there was a dispute between the complainant and the applicant, pursuant to

which the aforesaid allegations have been made. He submitted that the applicant has been in custody since January, 2016. He also submitted that the complainant has now left the premises and as such the question of tampering or contacting or intimidating them does not arise.

5. Learned APP submitted that the statement of the victim girl has been recorded under Section 164 of the Code of Criminal Procedure, wherein, she had specifically stated that the applicant had touched her inappropriately.

6. Considering the fact that the applicant has been in custody since January, 2016; the possibility of the trial not commencing in the immediate near future; the fact that the complainant is not residing in the premises; and the fact that investigation is complete and charge-sheet is filed, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. for a period of 12 months and thereafter on the first Saturday of every alternate month, till the conclusion of the trial;

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

(iv) The applicant to cooperate with the conduct of the trial;

(vi) An undertaking to the aforesaid clauses (ii) to (iv) shall be filed by the Applicant, in the Trial Court, within two weeks of his release.

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

8. It is made clear that the observations made herein are *prima*

facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.