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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1263 OF 2016**

1.	Kirti Kishor Chavan	
2.	Kishor Shantaram Chavan	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

Mr.A.A.Patankar, for the Applicants

Mr.H.J.Dediya, A.P.P for the Respondent-State

P.I – Rasam.

CORAM : REVATI MOHITE DERE, J.
DATE : 4th JULY, 2016

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek their enlargement on bail in connection with C.R. No.62 of 2016, registered with the Vile Parle Police Station, Mumbai for the alleged offences punishable under Sections 354, 370, 182 of the Indian Penal Code r/w Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 75 and 79 of the Juvenile Justice (Care and Protection of Children) Act,

2015.

3. The victim girl has alleged that she was staying with the present applicants for two years and was employed by them to do household chores. She has alleged that applicant no.1 would scold her if she broke any article in the house, at times would assault her, and would at times even starve her. She has alleged that as far as applicant no.2 is concerned, applicant no. 2 would sometimes pull her duppatta, hold her hand and touch her cheeks, when the applicant no.1 was away. She has further alleged that on one occasion, when the applicant no.1 was not at home, applicant no.2 came in the bedroom, where she was cleaning and pushed her on the bed and held her hand. She has stated that just then as the bell rang, she left the room, however, did not report the said incident to applicant no.1.

4. Learned Counsel for the applicants submitted that the applicants have been falsely implicated in the said case. He submitted that on 10th March, 2016, the victim girl ran away from the house, pursuant to which, applicant no.1 lodged a complaint with the Vile Parle Police

Station, which was registered vide C.R.No.62 of 2016, alleging an offence punishable under Section 363 of the Indian Penal Code. He submitted that the said complaint was lodged on 12th March, 2016 and the victim girl was found at the railway station on 27th March, 2016, pursuant to which her statement was recorded, wherein she has made allegations, against the present applicants as stated aforesaid. He submitted that the applicants have been in custody since the date of their arrest i.e. since 30th April, 2016. He further submitted that even on the face of it, no offences as alleged are disclosed, qua the applicants, either under the Indian Penal Code nor under POCSO.

5. Learned APP submitted that the victim girl is kept in a Remand Home at Dongri and her parents have been repatriated to Bangladesh. He submitted that even her aunt who had introduced the victim girl to the applicants is in custody, for an offence punishable under Section 370 of the Indian Penal Code.

6. Perused the papers. Investigation is complete and charge-sheet is filed. The applicants have been in custody since 30th April, 2016. The

victim girl is in the Remand Home at Dongri and therefore the possibility of tampering is ruled out. Even otherwise, prima facie, it is doubtful whether Sections 363 and 370 of the Indian Penal Code are disclosed in the facts of the present case, qua the applicants.

7. Considering the aforesaid, the applicants are enlarged on bail, on the following terms and conditions:-

ORDER

- (i) The Applicants be released on cash bail in the sum of Rs.15,000/- each for a period of three weeks;
- (ii) The Applicants shall thereafter furnish P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount, within a period of three weeks of their release on cash bail;
- (iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicants shall inform their 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;

(v) The Applicants to cooperate with the conduct of the trial.

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

. 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.

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

REVATI MOHITE DERE, J.