

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1626 OF 2016

Kalpesh Gurunth Kene vs. The State of Maharashtra

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. M.K.Kocharekar for the Applicant.

Mrs. J.S. Lohokare, APP for the State.

Mr.S.G.Kale, PSI from Bhiwandi Taluka Police Station

CORAM :A.S.GADKARI, J.

DATE : 18th October, 2016

P.C.

1. This is an application for bail in CR No.I-168-16 dated 23.7.2016 registered with Padgha Police Station, Taluka Bhiwandi, District Thane under Section 354(D)(1) and 451 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act.

2. The first information report is lodged by the minor victim girl aged about 16 years on 23.7.2016. It is stated in the said report that the applicant with a view to have friendship with the said victim girl used to follow her on a motor cycle. The applicant also obstructed the way of the victim girl on some occasions and requested her to talk with him. It is further alleged that the applicant spread a news in the village that he is having love affair with the victim girl. That, one day the applicant entered into the house of the victim girl and when the mother of the victim

girl tried to apprehend him he dashed her and ran away. In the premise, the first information report is lodged.

3. During the course of investigation the police have seized one chit allegedly written by the victim girl in her handwriting to the applicant. After completion of investigation the police have submitted the charge sheet.

4. The record reveals that the applicant is aged about 19 years. That, the victim girl has written him a chit to the applicant thereby expressing her love towards him. The police have already taken the specimen handwriting of the victim girl and the same have been sent to the Handwriting Expert of Forensic Science Laboratory. Prima facie, it appears that the present crime as alleged against the applicant attracts Section 354 (D)(1) of the Indian Penal Code. However, as the victim is aged about 16 years the provisions of POCSO Act are also applied to it. The applicant is arrested on 23.7.2016 and since then he is in jail. As stated earlier the applicant is aged about 19 years. That, the investigation of the present crime is completed and the police have already submitted charge sheet. According to me no further purpose will be served by detaining the applicant in jail and therefore, I am inclined to release the applicant on bail.

Hence, the following order.

a) The applicant be released on bail in CR No.I-168-2016 registered with Padgha Police Station Taluka Bhiwandi, District Thane now culminated into Special Case

NO. 227 of 2016 pending on the file of the Special Court, Thane on his furnishing PR bond of Rs.20,000/- with one or more local sureties in the like amount.

b) After his release from Jail the applicant shall attend the Padgha Police Station on every first Sunday of the month between 10 a.m. to 1.00 p.m. initially for a period of one year and thereafter once in three months i.e. on every first Sunday of the said month between 10.00 a.m.to1.00 p.m. till the conclusion of the trial.

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

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

d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)