

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2113 OF 2016

Mhallappa Kamu Dembare	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Kuldeep V. Nikam, Advocate for the applicant.

Mr. S.S. Pednekar, APP, for the State.

Mr. Shashikant V. Musale, PSI, Vishrambag P.S. Sangli, present.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 15th October, 2016.

P.C.

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 14.9.2016 in Crime No.150 of 2016 registered at Vishrambaug Police Station, Sangli, for the offences punishable under Sections 354, 354A and 354D of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that on 14.9.2016, Ms. 'X' lodged a report at the police station alleging therein that she is studying in 9th Std. in Sundarabai Dadage High School, Sangli. Her School hours are

from 11.45 a.m. to 4.45 p.m. She is also attending tuition classes in the morning from 8.15 a.m. to 10.45 a.m. On the date of incident, she was proceeding along with her friend. She realized one person has been stopping her for the past 8 days. He used to stare her and used to wink at her and also call upon them by making gestures. She had informed her mother and grandmother about the same, but had not informed her father who is a School teacher. On the date of the incident, she had again noticed the said person winking at her. The complainant has stated that in the school and workshop they had been apprised of laws in favour of women. That she informed her teacher about the same. They all accompanied her to the site. The girls had identified the present applicant as the person who used to wink at her whenever they used to go to school and return from school. Upon enquiry by the teacher, the said person has disclosed his name. The applicant is the person who was identified by the complainant. The applicant was immediately arrested and has been in custody since 14.9.2016. The application for bail filed by the present was rejected mainly on the ground that in the eventuality of being enlarged on bail, there is likelihood that he may trouble the victim girls.

3. Taking into consideration the nature of allegations and the fact

that the applicant is in custody for more than a month, the applicant deserves to be enlarged on bail.

4. The observations are prima facie in nature and shall not be taken into consideration at the time of considering the application for quashing, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not reside at the scene of offence for a period of one month from today.

The application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)