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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2062 OF 2015
Pravin Hiraji Mhatre 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.Dubey for the applicant.
Smt S.S.Kaushik, APP for the State.
I.O.PI.Gosavi, Trombay P.S. present.

CORAM : A.S.GADKARI, J.
DATED : 20th January, 2016

P.C.

1) By the present application under section 439 of Cr.P.C., the applicant is seeking bail in CR No.274/2014, dated 9/12/2014 registered with Trombay Police Station, for the offence punishable under section 376 read with sections 34 of the IPC and sections 4, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2) With a view to protect the identity of the victim, detail narration of the facts mentioned in the said report are hereby avoided. Suffice it to say that in pursuance of the FIR lodged by the victim girl the present crime is registered against the applicant and two other co-accused persons namely Smt. Munni Shaikh and Smt. Shamim Banu Shaikh. It is the case of the prosecution that the co-accused Smt. Munni Iqbal Shaikh lured the victim girl and enticed her to have sexual intercourse with the present applicant. The victim girl in her statement

has stated that one “Mhatre uncle” committed the act of sexual intercourse with her under the directions of Smt. Mariyam Imran Shaikh. After completion of the investigation, the charge-sheet is filed.

3) The learned counsel for the applicant submitted that the applicant is arrested on 12.12.2014 and since then he is in jail. He further submitted that except the bare words of the victim that “Mhatre uncle”, committed the said act with her, there is no other evidence on record to either connect the applicant with the crime or to establish his identity. In short, he disputed the identity of the accused by name “Mhatre uncle”.

4) I have perused the entire charge-sheet and the documents annexed to the present application. It appears that there is substance in the submissions of the learned counsel for the applicant. In view of the same, it appears to me that the applicant has made out a case for his release on bail.

5) Hence, the following order :

ORDER:-

(a) The applicant shall be released on bail in CR No. 274/2014 registered with Trombay Police Station, Mumbai on his furnishing a P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

(b) After his release from jail, the applicant shall not enter or visit the vicinity where the victim girl resides;

(c) The applicant shall attend the trial Court on every first and third Monday of the month between 11:00 a.m. to 1:00 p.m.

- (d) The applicant shall not tamper with the evidence and/or influence the witnesses;
- (e) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)