

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

CRIMINAL BAIL APPLICATION NO. 2288 OF 2015

Harry @ Wilson Vinfred Gabriel
Karkada

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Ms. Sartaj Shaikh for the Applicant.

Mrs. P. P. Shinde, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 16th FEBRUARY, 2016.

P. C. :

1. This is an application for bail in C. R. I-246/15 registered with Tulinj Police Station, Vasai, District Palghar under Section 354, 376 of the Indian Penal Code read with Sections 4, 8, 9 & 12 of the Protection of Children from Sexual Offences Act, 2012.

2. In view of the Section 228-A of the Indian Penal Code and with view to conceal the identity of the victim, who is a minor girl, reproduction of the facts mentioned in the first information report are hereby avoided. Suffice to say that on the basis of the information given by the minor victim girl, initially to her elder sister, the mother of victim girl has lodged the FIR on 22.06.2015. In the FIR the complainant has stated that the victim girl told her the name

of the applicant as culprit behind the crime. The statement of the victim girl is recorded in the presence of lady police officer and a member from Women Protection Cell of the said area. In her statement dated 22.06.2015 the victim girl has stated that the said act is committed by an uncle who resides in the adjoining building. After completion of investigation, the police have filed the charge-sheet.

3. It appears from the record that the applicant was not put to any identity parade and the identity of the applicant is not verified by the Investigating Agency at the instance of victim girl. Apart from the same, prima facie, it appears that Section 376 of the Indian Penal Code is not attracted in the present crime.

4. In view of the above, the applicant has made out a case for his release on bail.

5. Hence, the following order:

(i) The applicant shall be released on bail in C. R. No. I-246 of 2015 registered with Tulinj Police Station, Vasai, District Palghar on his furnishing PR Bond of Rs.50,000/- with one or two solvent sureties in the like amount.

(ii) After his release from the jail, the applicant shall not enter the jurisdiction of Tulinj Police Station and Vasai City till the

conclusion of trial.

(iii) After his release from the jail, the applicant shall attend the trial Court on every Monday between 11.00 a.m. to 1.00 p.m. and only for the said purpose the applicant is permitted to enter the Vasai city limits. After attending the Court, the applicant shall withdraw himself from the said jurisdiction.

(iv) Applicant shall attend all the Court dates apart from marking his presenty as aforesaid.

(v) Any two consecutive defaults in marking the presenty before the trial Court shall attract the provisions of Section 439(2) of the Cr.P.C.

6. The application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)