

*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2385 OF 2015

Mr Damodar B. Awad 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
--	---------------------------

Mr R.P.Yadav, for the applicant.
Ms A.T.Javeri, APP for the State.

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

P.C.

1) This is an application for bail in CR No.243/2014, dated 22/05/2014 registered with Vartak Nagar Police Station, Thane, on the report lodged by victim girl, who was aged about 16 years at the relevant time dated 21.5.2014, for the offence punishable under section 354 (d) read with sections 4, 12 of the Protection of Children from Sexual Offences Act, 2012 and under section 66 (A) of the Information and Technology Act, 2000 and Section 5 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

2) A bare perusal of the first information report and other statements recorded by the investigating agency show that section 4 of the Protection of Children from Sexual Offences Act, 2012 is not prima facie attracted in the present crime. The said section is an aggravated

form of offence. It further appears that the maximum sentence in the aforesaid charge is five years. The applicant is arrested on 22.5.2014 and since then he is in jail. After completion of investigation, the police have now filed the charge-sheet.

- 3) The learned APP, on instructions, submitted that the applicant is residing in the vicinity where the victim girl is residing and there is every possibility that he may threaten the victim and/or the other witnesses in the present crime. The said apprehension can be taken care of by imposing strict conditions upon the applicant.
- 4) After taking into consideration the above stated facts, I am of the opinion 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. 243/2014 registered with Vartak Nagar Police Station, Thane on his furnishing a PR. bond of Rs.25,000/- with one or two solvent sureties in the like amount;
- (b) After his release from jail, the applicant shall not enter the jurisdiction of Thane Police Commissionerate;
- (c) The applicant shall furnish his address of residence where he intends to reside after release from jail, to the trial Court and also to the Vartak Nagar Police Station;
- (d) The applicant shall attend the trial Court on every Monday between 11:00 a.m. to 1:00 p.m. till conclusion of the trial and for the said purpose only he is permitted to

enter the jurisdiction of Thane Police Commissionerate;

(e) The applicant shall not tamper with the evidence and/or influence the witnesses;

(f) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)