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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 334 OF 2017

Ramsunder Jaleshwar Yadav

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Vineet R. Ranadive for Applicant.

Ms. Veera Shinde APP for State.

CORAM: A.S. GADKARI, J.

DATE : 6th April 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.557 of 2016 dated 12.10.2016 registered with Juhu Police Station, Mumbai under Sections 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences (POCSO) Act.

2] The first information report is lodged by the mother of the victim girl. The victim girl was aged about 7 years at the time of incident. With a view to protect the identity of the victim girl and in consonance

with the provisions of Section 228A of the Indian Penal Code, the material particulars giving rise to filing of the present crime are not mentioned herein.

It is the prosecution case that the, applicant was neighbour of the victim girl; he called her in his house and kissed, due to which there was swelling to the lips of the victim girl. That the victim girl started crying and upon enquiry by the parents, the victim girl narrated the said incident to them. On questioning, the applicant pleaded guilty and claimed for pardon. The parents of the victim girl took the applicant to the police station. The applicant was arrested immediately on the same day i.e. on 12.10.2016. After completion of investigation, the police have submitted chargesheet in December 2016.

3] After perusal of the first information report and the statements of the witnesses, the offence under Section 354 is clearly made out. As the victim girl was aged about 7 years, the provisions of POCSO Act are also applied to the present crime. The applicant is arrested on 12.10.2016 and since then he is in jail. Since the applicant has already undergone more than six months incarceration for an offence charged under Section 354, I am inclined to release the applicant on bail.

Hence, the following Order:

(i) The applicant be released on bail in CR No.557 of 2016 dated 12.10.2016 registered with Juhu Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) After his release from jail, the applicant shall not enter the jurisdiction of Juhu Police Station except marking his presentee in the said police station as directed hereinbelow.

(iii) Before his release from jail, the applicant shall submit documents pertaining to his prospective residence where he intends to reside after his release from jail with the Juhu Police Station.

(iv) After his release from the jail, the applicant shall attend the Juhu Police Station, on every first Monday of the month between 11.00 a.m. to 1.00 p.m.

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

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

(viii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

4] The Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)