

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 379 OF 2017

Dharmendra Prahlad Rao	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.Aniket Vagal, Advocate for the applicant.
Mr.M.G.Patil,APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 21st March, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 27.7.2016 in Crime No.174 of 2016 registered at Sion Police Station for the offences punishable under Sections 354, 354A, 509 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that Smt. Suman Gupta who was working as a teacher in Mumbai Public School, Sion, lodged a report on 27.7.2016 that on that day, when she was descending the steps in her School building, 6-7 girls approached her and informed her that after interval, when they were returning to their class, one unknown person had touched them inappropriately, thereby outraged their modesty. The teacher

had immediately decided to take action. She went in search of the accused. He was found drinking water next to the Principal Room. She questioned him as to why he had touched the girls inappropriately. In the meanwhile, the co-teacher had called the police and lodged the report. The applicant was taken into custody on the spot.

3. The learned counsel for the applicant submits that the applicant is the original native of U.P. He had failed in 9th Standard from the same school. He wanted some certificate. He is working as a courier boy with Citibank. It is further submitted that the offence punishable under Section 354 of the Indian Penal Code is punishable upto five years. There are no criminal antecedents. The investigation is completed and charge-sheet is filed and, therefore, the learned counsel submits that the applicant deserves to be enlarged on bail.

4. Taking into consideration the material collected in the course of investigation, the submissions advanced across the Bar, that the applicant is in custody for more than 8 months, this Court is inclined to enlarge the applicant on bail.

5. The observations herein are prima facie in nature and the same cannot be taken into consideration for the purpose of quashing application, 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.25,000/- with one or more local sureties in the like amount.
- (iii) The applicant shall not leave Mumbai, Thane and Palghar without the permission of the Court and only after informing the Sion Police Station.
- (iv) The applicant shall not reside within the jurisdiction of Sion Police Station till conclusion of the trial.
- (v) The applicant shall give his address, cellphone number, landline number to the Investigating Officer within one week from the date of his release.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)