

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 450 OF 2017

Venkatesh K. Shetty @ Venky

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

.....
Mr.Keshav Chavan, Advocate for the Applicant.
Mr.R.M. Pethe, APP for the Respondent – State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : JULY 25, 2017.

P.C. :

This is an application for bail in connection with C.R. No.188 of 2015, registered with D.B. Marg Police Station, Mumbai. The offences were registered under Sections 376, 376(I), 365, 363, 342 read with 34 of IPC as well as Sections 4, 8 and 17 of the POCSO Act. On completing the investigation, charge-sheet has been filed and the case has been numbered as POCSO Case No.544 of 2015.

2 The prosecution case is that on 1st August, 2015, the D.B.Marg Police Station has received a message from the local residents in respect of objectionable activities in a room of

dilapidated building. Police rushed to the spot where they saw the co-accused and the victim in a compromising position. Police brought the accused and the victim to the police station. Upon inquiry the victim disclosed to the police that she had come to Mumbai along with her uncle who is selling fruits. She was acquainted with the applicant. It is further disclosed that on 1st August, 2015, the victim was standing near the bus stop at Nagpada. The applicant accused had come on a motor cycle and asked her to accompany him to Chowpati. He was accompanied by another boy. He was told to sit on the motorcycle of another person. It is further stated that she was taken to a dilapidated building. Applicant and Tayabhai kept watch on the door of room. The applicant had disclosed the name of his friend as Rinkku and Tayabhai. The other accused Rinkku committed rape.

3 The co-accused who has been attributed the role of ravishing the victim has been granted bail by this Court vide Criminal Bail Application No.1568 of 2016 by order dated 20th January, 2017. While granting bail to the said accused, it was observed that the said accused was in custody for almost 16 months. The Court also observed that there is a doubt as to whether the victim was a minor at the time when she was taken

to the police station by the police. The X-ray report shows that the age of the victim is more than 15 years and less than 17 years. On the basis of the observations made therein, the main accused has been granted bail by this Court. The role attributed to the present applicant is that he was asked to keep guard at the time of incident. Considering the aforesaid circumstances, the applicant can be released on bail

4 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.450 of 2017 is allowed;

- (ii) The applicant is directed to be released on bail in connection with C.R.No.188 of 2015, registered with D.B. Marg Police Station, Mumbai. on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more local sureties in the like amount;

- (iii) The applicant is directed to report to D.B. Marg Police Station, Mumbai once in a month

on 1st Sunday of each month, till framing of charge;

(iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)