

JPP

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

BAIL APPLICATION NO. 788 OF 2017

Kallu @ Wasim @ Chaniya Sattar Khan. ... Applicant.

V/s.

State of Maharashtra (at the instance
of Dharavi Police Station, Mumbai). ... Respondent.

Mr. Ganesh Gole i/b. Ateet Shirodkar for the Applicant.
Mrs. Jyoti S. Lohokare, APP for the State.

***CORAM : A.S. GADKARI, J.
DATE : 24 April, 2017.***

P.C. :-

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in CR No. 567/16 dated 5th December 2016 registered with Dharavi Police Station, Mumbai under Section 354 of the Indian Penal Code and under Sections 8 and 12 of POCSO Act, 2012.
2. The first information report is lodged by the mother of victim girl who was aged about three years. With a view to protect the identity of the victim girl and in consonance with the provisions of Section 228-A of the IPC the detailed narration of the facts mentioned in the first information report are hereby avoided.

3. It is the prosecution case that the applicant called the victim girl in his house, removed her clothes and touched her inappropriately. During the course of investigation, the applicant came to be arrested on 5th December 2016 and after completion of investigation, the Police have submitted the charge-sheet on 31st January 2017.

4. I have perused the copy of the charge-sheet. Apart from the act mentioned above there is no other overt-act alleged against the applicant. There are no antecedents at the discredit of the applicant. After taking into consideration the peculiar facts and circumstances of the present case, this Court is of the view that the applicant can be released on bail.

Hence, the following order :

- (i) The applicant be released on bail in CR No. 567/16 registered with Dharavi Police Station on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from jail, the applicant shall attend Dharavi Police Station on every Monday between 5.00 p.m. to 7.00 p.m. for a period of one year and thereafter, on every first Monday of the month till the conclusion of trial.
- (iii) Any two consecutive defaults will attract the provisions of cancellation of bail.

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

5. The application is allowed in the aforesaid terms.

(A.S. Gadkari, J.)