

Anand

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

BAIL APPLICATION NO.1122 OF 2017

Rohit Popat Gophane

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.R.G.Patil, Advocate, for the Applicant

Mrs.Rutuja Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 13.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.35 of 2017 registered with the Nigadi Police Station, District – Pune, for the alleged offences punishable under Sections 354, 354D, 341, 355 r/w.34 of the Indian Penal Code, under Sections 7 & 8 of the Protection of Children from Sexual Offences Act, under Section 37(1) r/w.135 of the Bombay Police Act and under Section 4(25) of the Arms Act.

3. Learned counsel for the Applicant states that the

Applicant is aged about 21 and that he has been falsely implicated in the said case. He submits that considering the nature of allegations, the Applicant be enlarged on bail. He further submits that the Applicant is ready to stay outside the jurisdiction of Pune District and is ready to abide by any of the conditions that may be imposed by this Court.

4. Learned counsel for the Applicant has tendered an Affidavit of the Applicant's uncle - Suresh Rama Gophane, R/o. Osmanabad. The said Affidavit is taken on record. In the said Affidavit, he has stated that if the Applicant is enlarged on bail, the Applicant will reside with him at Kaundgaon, Post - Domgaon, Taluka - Paranda, District - Osmanabad. He has also undertaken to take complete responsibility of the Applicant and has also undertaken that the Applicant will attend the Court on the dates given by the Court. The said Affidavit is taken on record.

5. Learned APP opposes the Application.

6. Perused the papers.

7. The incident in question has taken place on 13.01.2017. According to the Complainant, when she was going for her tuition class, the Applicant and co-accused - Shubham came on a motor cycle and restrained her from proceeding home. She has stated that again after some time, the Applicant and co-accused - Shubham came ahead and again restrained her from going ahead. The present Applicant is alleged to have held her hand and disclosed, that he wanted to marry her. According to the Complainant, due to the said act, her modesty was outraged. She has further alleged that after the said incident, when she went for her tuition class, the Applicant again came there with his friend, with a sword in his hand. The Applicant is alleged to have questioned the tuition teacher - Ms Jadhav as to where the Complainant was. When Ms Jadhav is alleged to have asked him to leave the class, the Applicant is alleged to have threatened her by saying that he would come back. Thereafter, both the accused are stated to have left the tuition class. The Applicant is ready to abide by the conditions as may be imposed by this Court and is ready to stay outside the jurisdiction of Pune District. Investigation is complete and charge-sheet is filed.

8. Considering the peculiar facts of this case, the

Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.20,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall attend the Paranda Police Station, District - Osmanabad on the **first Monday of every month** between **10:00 a.m. to 11:00 a.m.** till the conclusion of the trial;

(iii) If the case in the trial Court is on a Monday or on the following day, the Applicant shall attend the concerned police station on the next day;

(iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The Applicant shall not enter the jurisdiction of village Chikhali, District - Pune;

(vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the

Investigating Officer of the concerned Police Station i. e. Nigadi Police Station;

(vii) The Applicant to cooperate with the conduct of the trial;

(viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)