

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.858 OF 2017

Bajinath Sahdev Chaudhari

Applicant

versus

State of Maharashtra

Respondent

Mr.A.R.Jha i/by Legal Hopes for Applicant.

Smt.Veera Shinde, APP, for State.

Mr.Ghanshyam Nair, API, Dindoshi Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 05th June 2017

PC :

1. The Applicant is apprehending arrest in connection with CR No.922 of 2016 registered with Dindoshi Police Station, Mumbai under Section 354(D) of Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act').

2. It is the prosecution case that the Applicant-accused was harassing the daughter of the complainant who is minor. She was studying in 10th standard at the relevant time. It is further alleged that the Applicant was stalking the minor girl and one day he caught hold of her hand and stated that he is in love with her. In view of the said incident, an FIR came to be registered on 4th December 2016.

3. The Investigating Officer issued notice to the Applicant on 1st March 2017 directing him to remain present at the police station.

Thereafter the Applicant preferred anticipatory bail application before the Sessions Court. The Applicant was granted interim protection during pendency of the said application. The application before the Sessions Court was rejected by order dated 25th April 2017. Hence the applicant has approached this Court seeking anticipatory bail.

4. Learned advocate for the Applicant submits that the Applicant was friendly with the victim girl. He submitted that he has been falsely implicated by the family of the victim girl as the Applicant was assaulted by them and with a view to pressurize the Applicant not to register the complaint against them, the FIR in question was lodged against him.

5. Learned APP opposed the prayer for grant of anticipatory bail. She submitted that during interim protection granted to the Applicant by the Sessions Court, the Applicant did not comply with the conditions imposed.

6. Taking into consideration the nature of allegations and the fact that the Applicant is a student, as contended by learned advocate for the Applicant, and considering the age of the Applicant, I am inclined to allow this application. Hence, I pass following order :

ORDER

(a) In the event of arrest of the Applicant in connection with CR No.922 of 2016 registered with Dindoshi Police Station, Mumbai

under Section 354(D) of Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012, the Applicant may be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(b) The Applicant is directed not to enter into the jurisdiction of Dindoshi Police Station till further orders, except for attending the Court proceedings;

(c) The Applicant is directed to attend Nalasopara (East) Police Station once in a fortnight between 5 to 7 p.m. till further orders;

(d) The Applicant shall not make attempt to tamper with the witnesses;

(e) Anticipatory Bail Application No.858 of 2017 is disposed of.

(PRAKASH D. NAIK, J.)

MST