

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1240 OF 2017**

Suraj Unnus Mulani	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Priyal G. Sarda for the Applicant

Mr. Rajan Salvi, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 14th JUNE, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 138 of 2017 registered with the Vairag Police Station, Solapur, for the alleged offences punishable under Section 354A of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

3. The complainant is the mother of the victim girl. She has alleged that the incident took place on 24th April, 2017 at about 11:30 a.m.

She has stated that her daughter aged 7 years was playing outside when the applicant told her that they would play hide and seek. The applicant is alleged to have asked her to hide in the bathroom. It is alleged that the applicant held her hand, asked her to remove her clothes and unzipped his pant. It is alleged that the girl started crying and shouting and ran from the said place. Pursuant thereto, the aforesaid complaint was lodged.

4. Learned Counsel for the applicant states that the applicant is aged 19 years and is a student studying in a College at Barshi. He submits that the applicant has appeared for his H.S.C. Examination. He has tendered a copy of the Mark-sheet of the applicant. He states that the applicant is ready to abide by any condition, including of not entering the jurisdiction of Vairag Police Station. He states that the applicant will reside at Barshi and will report to the Barshi Police Station.

5. Learned A.P.P opposed the application. He submits that the victim girl was aged 7 years and that the possibility of the applicant tampering with the witnesses, cannot be ruled out.

6. Perused the papers. The statement of the victim girl aged 7 years also shows that the applicant had told her to hide in the bathroom and thereafter, he held her hand and asked her to remove clothes and unzipped his pant, pursuant to which, she started shouting and went home running. The applicant is in custody since 25th April, 2017. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (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 report to the Barshi Police Station on the first and third Saturday of every month from 10:00 a.m. to 11:00 a.m., initially for a period of 12 months and thereafter, on the first Monday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number 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;

(v) The applicant to cooperate with the conduct of the trial;

8. Considering the facts, the trial is expedited. The application is accordingly disposed of.

9. 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.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.