

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1909 OF 2017**

Arun Udaylal Yadav ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. A.H.H. Ponda a/w Mr. Shailesh Kharat for the Applicant

Ms. Anamika Malhotra, A.P.P for the Respondent-State

PI Mr. Suresh Kadam from D.B. Marg Police Station, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 31st AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 108 of 2017 registered with the D.B. Marg Police Station, Mumbai, for the alleged offences punishable under Sections 354D, 506 of the Indian Penal Code; under Section 12 of the Protection of Children from Sexual Offences Act, and under Section 67 of the Information Technology Act.

3. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the said case. He submitted that the applicant was running a private coaching class in the name and style of “Arun Excellent Coaching”. He submitted that there is a staff of almost 8 people including 5 teachers, of which, 4 are female teachers, and that there is not a single complaint till date as against the applicant. He further submitted that there are about 20 – 25 students, every year in his coaching classes and till date, there is not a single complaint, which is filed against him. He further submits that Sections 354D(2), 506 of the Indian Penal Code; and 67 of the Information Technology Act are also bailable. He further submitted that the applicant is in custody since 26th July, 2017 and that investigation is almost over.

4. Learned A.P.P submits that the investigation in the case is almost over.

5. Perused the papers. It appears that the victim was studying in the 12th standard at the relevant time and was attending the said coaching

class. According to the complainant/victim girl, aged 17 years 11 months, she knew the applicant and was attending the applicant's coaching class for 1-1½ years. She has alleged that the applicant started chatting with her on WhatsApp since December, 2016 and started sending her messages like, 'I love you'; 'I miss you'. It is also alleged that the applicant used to threaten her that he would show these messages to her father, pursuant to which, the applicant used to ask her to wait after class. She has alleged that on 12th July, 2017, the applicant asked her to delete all the chats, pursuant to which, she left WhatsApp. It appears that the complainant/victim's friends informed the victim's parents about the alleged harassment by the applicant to the prosecutrix, pursuant to which, the complaint was lodged.

6. The applicant is in custody since 29th July, 2017. Investigation is almost over. 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. 30,000/- with one or two solvent sureties in the like amount;

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

(iii) 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;

(iv) The applicant to cooperate with the conduct of the trial.

7. The application is accordingly disposed of.

8. 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.

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

REVATI MOHITE DERE, J.