

Anand

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

BAIL APPLICATION NO. 2121 OF 2017

Tanveer Musa Pathan

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. U. R. Agandsurve, Advocate, for the Applicant

Mr. N. B. Patil, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 09.11.2017

P.C.

. This is an application under Section 439 of Cr. P.C. for bail in CR No. 530 of 2017 registered with Sangola Police Station, Solapur (Rural) under Sections 143, 147, 148, 149, 354A, 354D, 324, 323, 504, 506 of the Indian Penal Code and under Sections 8 & 12 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

2. It is the prosecution case that, the Applicant alongwith other two accused persons was stalking and causing harassment to the first informant. That on 26.07.2017 at about 5.15 p.m., when accused No.1 – Amol Mane tried to misbehave with the first informant, she informed the said fact to her father and uncle. When the father and uncle of the first informant questioned accused No.1 about the said fact, it is

alleged that the Applicant alongwith other accused persons assaulted the uncle of the first informant. During the course of investigation, the Applicant came to be arrested on 01.08.2017. After completion of investigation, police have submitted charge-sheet.

3. Perused the charge-sheet. The investigating agency has conducted test identification parade and the Applicant has been identified as the “third boy”, who used to accompany accused No.1 – Amol Mane and follow the first informant on a motor cycle. Prima facie, it further appears that, it is the allegation against the Applicant that when the Applicant alongwith accused Nos.1 & 2 were assaulting the uncle of the first informant, the people from the vicinity gathered at the spot and the Applicant ran away from the scene of offence.

4. It is submitted that there are no antecedents at the discredit of Applicant. After taking into consideration the role attributed to the Applicant and the fact that investigation is already completed and charge-sheet is filed, the Applicant can be released on bail.

Hence, the following Order:

(i) The Applicant be released on bail in CR No. 530 of 2017 registered with Sangola Police Station, Solapur (Rural) 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 the jail, the Applicant shall attend the concerned Police Station every 1st Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of trial;

(iii) Applicant shall also attend all the dates before the trial Court;

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

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)