

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2139 OF 2017**

Nitin Pandurang Mane

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Kuldeep Nikam for the Applicant.

Mr. Prashant Jadhav, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 06th OCTOBER, 2017

P.C.:

1. This is an application under Section 439 of Cr.P.C. for bail in C.R. No.195 of 2016 dated 11.06.2016 registered with Phaltan Police Station, District Satara, under Sections 376(2)(ii) and 377 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The victim girl in the present case was aged about 7 years at the time and date of the incident. With a view to protect the identity of the victim girl who is minor and in consonance with the provisions of Section 228-A of the IPC, the detailed narration of facts mentioned in the First Information Report and the statement of victim girl are hereby avoided.

3. Suffice it to note here that, after the victim girl confided with the fact of alleged offence committed by the Applicant with her mother, the first information report is lodged immediately on 11.06.2016 itself. During the course of

investigation, the Applicant came to be arrested on 11.06.2016 and after completion of investigation, the police have submitted chargesheet.

4 Perused the charge-sheet. From the first information report, statement of victim girl and medical record annexed to the charge-sheet, prima facie it appears that the Applicant attempted to commit the said offence as alleged against him. However, when the victim started crying, the Applicant left her.

5 As noted earlier, prima facie it appears that in the present case, the Applicant attempted to commit an offence, however did not succeed. In view thereof, the Applicant can be released on bail.

Hence, the the following order:

- i) The applicant be released on bail in C.R. No.195 of 2016 dated 11.06.2016 registered with Phaltan Police Station, District Satara, on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- ii) After his release from the jail, the applicant shall attend the Phaltan Police Station i.e. on every first Monday of the month between 11.00 a.m. to 2.00 p.m.
- iii) The applicant shall also attend all dates before the Trial Court.
- iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)