

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2159 OF 2017

Dipak Daulat Phapale

...Applicant.

vs.

The State of Maharashtra

...Respondent.

Shri. Aashish Satpute for the Applicant.

Mr. Prashant Jadhav, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 21st September, 2017.

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No. 320 of 2017 registered with Khed Police Station, District Pune under Sections 354, 452, 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of children from Sexual Offences Act, 2012.

2. It is the allegation of the prosecution that applicant being the teacher of the prosecutrix, who is aged about 14 years, committed the alleged offence as contemplated under Section 354 of the Indian Penal Code. The record of investigation prima facie reveals that the Investigating Officer has not recorded the statement of independent witnesses with whom the prosecutrix initially confided the alleged act. The applicant is arrested on 31.8.2017 and since then he is in Jail. The maximum punishment prescribed for the said offence is upto 7 years. It prima facie appears that the version narrated by the prosecutrix is an exaggerated version.

3. In view thereof, the applicant can be released on bail.

Hence the following order.

- a) The applicant be released on bail in CR No. 320 of 2017 registered with Khed Police Station, District Pune on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from the jail, the applicant shall attend the concerned police station once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 2.00 p.m.
- c) Applicant shall also attend all the dates before the Trial Court.
- d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.
- e) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- f) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)