

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2052 OF 2016

Veerbhai R. Patel @ Choudhary vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Sanjeev Kadam i/by B.L.Jagtap for the Applicant.
Mrs. P.P. Shinde,APP for the Respondent-State.
Mr. R.D. Baviskar, PI from Vanrai Police Station present.

CORAM :A.S.GADKARI, J.

DATE : 4th May, 2017

P.C.

- 1) This is an application under Section 439 of the Cr.P.C. for bail in CR No.431 of 2015 dated 25.12.2015 registered with Vanrai Police Station, Mumbai under Section 376(1) of the IPC and under Section 3,4,7,8,9 of the POCSO Act culminated into POCSO Special Case No.96/2016.
- 2) The first information report is lodged by the father of the victim girl who was aged about 5 years on the date of the incident. With a view to protect the identity of the victim girl and in consonance with the provisions of Section 228 A of the I.P.C., the name of the victim girl and the detailed narration of facts mentioned in the first information report and other statements is hereby avoided.
- 3) It is the prosecution case that the first informant lodged the report stating that on 25.12.2015 the victim informed her that the applicant committed the act as

defined under the amended provisions of the Section 375 of the I.P.C. The first informant thereafter inspected the private part of the victim girl and found bleeding therein. In the premise, the first information report is lodged.

During the course of investigation the police arrested the applicant on 25.12.2015. The victim girl was medically examined at Municipal Hospital at Kandivali. After completion of investigation the police have submitted the charge sheet.

4) I have perused the entire charge sheet. The record reveals that after victim the girl confided the fact of sexual assault with her mother she was taken to the the hospital for examination under the directions of the police and during the course of clinical examination it is found that there was no bleeding. The statement of the victim girl under Section 164 of the Cr.P.C. is recorded by the police. The applicant is aged about 18 years as of today. The police have already submitted the charge sheet. No fruitful purpose will be served by further incarceration of the applicant in Jail.

5) The learned APP submitted that the applicant is residing at Mira Road not within the jurisdiction of Vanrai Police Station. In view thereof, the applicant can be released on bail.

6) Hence, the following order.

a) The applicant be released on bail in CR No.431 of 2015 dated 25.12.2015 registered with Vanrai Police

Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After his release the applicant shall attend the Vanrai Police Station, Mumbai on every first Monday of the month between 10.00 to 1.00 p.m. initially for six months and thereafter on every first Monday of the month till the conclusion of the trial.

c) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.

d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)