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

BAIL APPLICATION NO. 13 OF 2018

Mahidul Samser Biswas

... Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. R.R. Varma a/w Sanket P. Thorat for Applicant.

Mr Ameet Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 16th JANUARY 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 406 of 2017 dated 30.6.2017 registered with D.N. Nagar Police Station, Mumbai, under Section 354, 354A, 354D of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act).

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] With a view to protect the identity of the victim girl who is a minor and in consonance with the provisions of Section 228(A) of the Indian Penal Code, detailed narration of facts mentioned in the first information report and in the statement of the victim is hereby avoided.

4] The first information report is lodged by the uncle of victim girl. It is alleged that, when the prosecutrix was returning from a public toilet on 22.6.2017 at about 6.00 p.m, the applicant obstructed her way and touched her private part. The prosecutrix went home crying and informed the said fact to her aunt. On 25.6.2017 at about 6.00 p.m again the applicant followed the victim girl near Wahid Lala Garage. That on 29.6.2017 at about 11.00 p.m the uncle of the victim girl found that one unknown person was following another minor girl in the vicinity. The person from the vicinity accosted the said person and the uncle of victim took his photograph on a mobile phone and thereafter transmitted the said photo to the father of the victim girl who in turn showed it to the victim girl. The victim girl identified the applicant herein as the same person. The applicant was thereafter arrested on 30.6.2017. After completion of investigation, the police have submitted chargesheet.

5] As noted earlier, the identity of the applicant has been established after he was accosted in the vicinity while moving in suspicious condition by the uncle of the victim girl and thereafter his photograph was taken on a mobile phone and circulated on social media. The applicant has been identified by the victim girl by seeing his photograph on a mobile.

6] After taking into consideration the material available on record and the role attributed to the applicant in the present crime, this Court is of the view that, the applicant can be released on bail.

Hence the following Order:

(i) The applicant be released on bail in CR No. 406 of 2017 registered with D.N. Nagar Police Station, 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 jail, the applicant shall attend the concerned Police Station on every Monday between 11.00 a.m to 1.00 p.m initially for a period of six months and thereafter to attend on every 1st Monday of the month between 11.00 a.m. to 1.00 p.m till the conclusion of trial.

(iii) Any two consecutive defaults shall attract the provisions of

cancellation of bail.

(iv) Applicant shall also attend all dates before the Trial Court.

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

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)