

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.18 OF 2018

Nihal J.Solanki 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. R.J. Baddam with Sejal B. for the Applicant.

Mr. S.S. Hulke, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 6th February, 2018

PC.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.701/2017 dated 13.11.2017 registered with Juhu Police Station, Mumbai under Sections 354, 354(3), 323 and 506 of the Indian penal Code and under Section 12 of the Protection of Children from Sexual Offences Act.

2. The first information report is lodged by the victim girl aged about 15 years. With a view to protect the identify of the victim girl and in consonance with the provisions of Section 228-A of the Indian Penal Code, the name of the victim girl and the detailed narration of facts mentioned in the first information report is hereby avoided.

1. It is the prosecution case that the applicant used to indulge into

stalling the victim girl and used to follow her. That, on the date of incident the applicant held the hand of the victim girl and pulled her near him and when she shouted for help, slapped her.

2. The record indicates that, after completion of investigation the police have submitted charge sheet on 12.1.2018. The Trial Court has rejected the application for bail of the applicant on the ground that, as the victim girl is minor, the applicant has followed her and outraged her modesty near her school and therefore, there is possibility of causing bad impact on the mind of other students and he will pressurize the eye witnesses. As noted earlier, after completion of investigation the police have submitted charge sheet. The applicant is of 19 years of age and after taking into consideration the observations made by the Trial Court, the applicant can be released on bail by imposing stringent conditions.

3. Hence, the following order.

- a) The applicant shall be released on bail in CR No.701/2017 dated 13.11.2017 registered with Juhu 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 from Jail the applicant shall not enter the jurisdiction of Mumbai Police Commissionerate.
- c) Before his release from Jail the applicant shall furnish his address

where he intends to reside after his release from Jail to the investigating agency.

d) The applicant shall attend all the dates before the Trial Court and for attending the dates before the Trial Court only the applicant is permitted to enter into the Jurisdiction of Mumbai Police Commissionerate. After attending the Court proceedings the applicant shall forthwith withdraw himself from the jurisdiction of Mumbai Police Commissionerate.

e) The applicant is at liberty to file a separate application for entering the jurisdiction Mumbai Police Commissionerate for the purpose of attending examinations where, he is pursuing his studies i.e. at GPM Degree College, Vileparle(E), Mumbai.

f) Application is allowed in the aforesaid terms.

g) All the concerned to act on a copy of this order duly authenticated by the registry of this Court.

(A.S.GADKARI, J.)