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

CRIMINAL BAIL APPLICATION NO.246 OF 2018

Ashok Sheshrao Salunkhe

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms.Anjali Patil, i/b Mr.A.K.Rajput, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-176 of 2017 registered with the Rabale Police Station, Navi Mumbai, for the alleged offences punishable under Sections 354(A), 506 of the Indian Penal Code and under Sections 7, 8, 11(1) and 12 of Protection of Children from Sexual Offences Act.

3. Perused the charge-sheet. According to the complainant, mother of the victim girl, aged 8 years, the applicant was their neighbour residing in the same Apartment. She has alleged that on 15th April, 2017, her neighbour – Kalpana came home and told her daughter to accompany her husband i.e. the applicant to Nausil Naka for purchasing eggs. She has alleged that pursuant thereto, her daughter went with the applicant on his motorcycle and returned back within 45 minutes after purchasing the eggs. She has stated that on the next day i.e. on 16th April, 2017, when she was bathing her daughter, she found scratches on her daughter's person, pursuant to which, she asked her daughter as to what had happened. She has stated that her daughter disclosed to her that on the previous day i.e. on 15th April, 2017, when she had gone with the applicant to purchase the eggs on the motorcycle, the applicant took her in the bushes and touched her inappropriately and as she started screaming, the applicant threatened her and they returned back.

4. Learned Counsel for the applicant submitted that the applicant is in custody since 14th September, 2017. She submits that the applicant is ready to abide by any of the conditions that may be imposed by this Court

and is also ready to stay outside the jurisdiction of Rabale Police Station. The punishment for some of the alleged offences is a maximum of 3 years and for the offence under Section 8 of Protection of Children from Sexual Offences Act is not less than 3 years but may extend upto 5 years. Investigation is complete and charge-sheet is filed. The Applicant is in custody since 14th September, 2017. The possibility of the trial also commencing in the immediate near future is bleak.

5. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first and third Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his new place of residence and mobile

contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not enter the jurisdiction of Rabale Police Station, till the conclusion of the trial, except for the purpose of attending the police station, as mentioned in clause (ii);

v) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall co-operate in the conduct of the trial;

vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Registry of the trial Court, within two week's of his release;

viii) If there are 2 consecutive defaults either in attending the Police

Station or in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)