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

CRIMINAL BAIL APPLICATION NO.288 OF 2018

Ravindra Baburao Ingale	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms.Anjali Patil, for the Applicant.

Ms.A.A.Takalkar, A.P.P for the Respondent-State.

API – Borse, Parksite Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd 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.423 of 2017 registered with the Parksite Police Station, Mumbai, for the alleged offence punishable under Section 354 of the Indian Penal Code and under Sections 8, 10 and 12 of Protection of Children from Sexual Offences Act.

3. Perused the charge-sheet. According to the prosecution, the applicant, father of the victim girl, aged 4 years, touched her inappropriately.

4. Learned Counsel for the applicant states on instructions that the applicant will not seek the custody of the two daughters, or any visit/access, till the conclusion of the trial. Learned Counsel for the applicant relied on the statement recorded of the victim girl under Section 164 of the Code of Criminal Procedure. She submitted that the applicant is sought to be falsely implicated by his wife out of vengeance. A perusal of the statement of some of the witnesses show that the victim girl was residing with the applicant, whereas the younger daughter was residing with the complainant i.e. the applicant's wife and that the applicant used to look after his daughter i.e. the victim girl, in the absence of her mother, including washing her faeces etc. Although the victim girl in her 161 statement has made allegations as against the applicant, i.e. the applicant touched her inappropriately, her 164 statement clearly contradicts the same.

5. Having regard to the peculiar facts and circumstances of the case, 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.15,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall not enter the Society or the vicinity where the complainant is residing with her daughters, till the conclusion of the trial;
- iv) The Applicant shall not contact/threaten/intimidate the complainant, her daughters, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial;

vi) 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.)