

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

BAIL APPLICATION NO.320 OF 2018

Mr. Harsh Kumar Trivedi
V/s.
The State of Maharashtra

... Applicant

....Respondent

Mr. H.S. Shinde, Advocate for the Applicant.
Mr. S.S. Hulke, APP for the Respondent – State.

CORAM : A.S.GADKARI, J.

DATE : 16th FEBRUARY 2018

P.C.:

1. This is an application under Section 439 of the Cr.P.C. for bail in C.R.No.430/2017 dated 18.10.2017 registered with MIDC Police Station, Mumbai under Sections 354(C)(D), 509 of the Indian Penal Code r/w Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67(A) of the Information Technology Act (now culminated into Sessions Case No.2/2018).

2. The first information report is lodged by Mr. Santoshkumar R. Mishra, the father of victim girl Ms. Shraddha S. Mishra aged about 17 years. It is the prosecution case that, the first informant noticed certain

obscene messages, pictures and/or photographs on the mobile phone of Ms. Shraddha. It was revealed that, the same messages were sent by the applicant herein. In the premise, the first information report is lodged. During the course of investigation, the applicant came to be arrested on 25.10.2017 and after completion of investigation, police have submitted charge-sheet.

3. Perused the charge-sheet.

4. The victim girl is aged about 17 years. The statement of victim girl indicates that, she got acquainted with applicant on social media namely “Instagram” and their acquaintance was transformed into friendship and thereafter, the applicant and the said victim girl used to chat on the said social media. It further *prima facie* appears that, the said victim girl also used to send obscene messages to the applicant.

It further appears that, on the date of lodgment of the first information report, the victim girl had attained the age of understanding and discrimination. As noted earlier, the applicant is arrested on 25.10.2017 and since then he is in jail. The investigation of the present crime is completed and the police have already submitted charge-sheet.

5. After taking into consideration the material available on record, this Court is of the view that, the further incarceration of the applicant is not necessary and the applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in C.R.No.430/2017 dated 18.10.2017 registered with MIDC Police Station, Mumbai (now culminated into Sessions Case No.2/2018) 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 attend the MIDC Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till conclusion of trial.
- c) The applicant shall attend all the dates before the Trial Court unless precluded by medical reasons.
- d) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)