

nsc.

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

CRIMINAL BAIL APPLICATION NO.574 OF 2018

Kashmirsingh Satnam Chauhan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms.Anjali Patil, for the Applicant.

Ms.Rutuja Ambekar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th APRIL, 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.137 of 2017 registered with the Vakola Police Station, Mumbai, for the alleged offences punishable under Sections 354, 509, 323, 504, 506(2), 34 of the Indian Penal Code and under Sections 8 and 12 of Protection of Children from Sexual Offences Act.
3. Perused the papers. According to the complainant, aged 17

years, one Pungisingh, nephew of the applicant, would harass her, pursuant to which, her mother had informed Pungisingh's mother, that he should not trouble/harass the complainant. It is alleged that an incident took place on 19th March, 2017 at about 3.00 p.m., in the afternoon, when co-accused - Pungisingh, abused the complainant, when she was going to her friend's house. According to the complainant, in the evening at about 6.30 p.m., when she reached home, she informed her mother, pursuant to which, the applicant and his wife came to the spot and started assaulting her. It is further alleged that the applicant and the co-accused - Pungisingh tore the complainant's clothes and pulled her dupatta, leading to a neck injury; that the applicant, his wife and Pungisingh are also alleged to have abused and assaulted the complainant's mother, pursuant to which, she became unconscious. With respect to the said incident dated 19th March, 2017, which took place at about 6.30 p.m., there is a cross complaint, lodged by the applicant's wife, as against the complainant's father, the complainant's mother and others, also alleging offences punishable under Sections 354, 323, 504, 34 of the Indian Penal Code. The injury certificate shows that the complainant has received injuries on her neck. It appears that the applicant and the complainant are living in the same Society. It is informed that co-

accused – Pungisingh, being a juvenile, has been enlarged on bail. The applicant is in custody since December 2017. Investigation is complete and charge-sheet is filed.

4. 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 released on cash bail in the sum of Rs.25,000/-, for a period of six weeks;
- ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;
- iii) The Applicant shall attend the Vakola Police Station, Mumbai, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., for a period of 12 months;
- iv) The Applicant shall not enter the jurisdiction of Vakola Police

Station, Mumbai, for 12 months, except for the purpose of attending the police station, as mentioned in clause (iii);

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 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.

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

6. 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.

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

(REVATI MOHITE DERE, J.)