

Anand

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

BAIL APPLICATION NO. 583 OF 2018

Anis Munna Khan

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. A. K. Pathan, Advocate, for the Applicant

Mrs. Rutuja Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 23.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-43 of 2016 registered with the Bhoiwada Police Station, District - Thane, for the alleged offences punishable under Sections 354, 452, 323, 505 of the Indian Penal Code and under Sections 7 & 8 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

3. Perused the papers. According to the Complainant, aged 14 years, the incident took place on 04.03.2016 at about 8.00 p. m.. The

Complainant has alleged that her younger sister was playing with the Applicant's daughter and that there was a quarrel between them; that she resolved the quarrel and slapped both the girls i. e. her sister and the Applicant's daughter; that the Applicant's daughter went crying home, pursuant to which the Applicant came there, abused and slapped her (Complainant) and when she fell down, gave kick blows to her and thereafter, touched her chest inappropriately. The Applicant is in custody since 13.02.2017. Investigation is complete and charge-sheet is filed. Having regard to the peculiar facts & circumstances of this case, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

- (i) The Applicant be enlarged **on cash bail** in the sum of **Rs. 15,000/-** for a period of six weeks from today;
- (ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of Rs. 15,000/- with one or two local solvent sureties in the like amount;
- (iii) The Applicant shall report to the investigating officer of the concerned Police Station on the **first Sunday of every month** between **10:00 a. m. and 11:00 a. m.** for a period of 12 months;
- (iv) The Applicant shall not tamper with the evidence or

attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The Applicant shall not enter the jurisdiction of the Bhoiwada Police Station, District - Thane;

(vi) The Applicant to cooperate in the conduct of the trial;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail;

(viii) Liberty to seek modification of Clause (v) after passage of time.

4. The Application is allowed in the aforesaid terms and is accordingly disposed of.

5. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

(REVATI MOHITE DERE, J.)