

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

BAIL APPLICATION NO. 735 OF 2018

Prashant Dineshbhai Tak	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Shailesh Kharat for the applicant.
Mrs. G.P. Mulekar, APP for the Respondent-State.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 29th AUGUST, 2018.

P.C.

1. This is an application for bail in CR I-84 of 2017 registered with Shreenagar Police Station on 9th July, 2017 for offence punishable under Section 354 (A) (D), 509, 506 of Indian Penal Code and Section 12 of POCSO Act and Section 66(D), 67(A)(B) of Information Technology Act.

2. The prosecution case is that FIR was lodged by the mother of the victim who is aged about 13 years. It is alleged that the victim was using cell phone of her mother and created account on Facebook. On 8th July, 2017, the victim girl came late from class and she was looking disturbed. When her mother inquired with her, she informed that she had received friends request from one

person who gave name as Khushi Parmar and she accepted the request and became friends. They used to chit-chat. She received obscene video. The same were deleted by the victim girl. They also chatted from whatsapp. One day she received a message from Khushi Parmar that boy named Prashant who likes her and who came to know about their messages. She was called to particular place. The victim agreed to meet Prashant. On 8th July, 2017, one person came and met her and introduced himself as Prashant and told her that they should go to the house of Khushi Parmar and delete all messages but for this he demanding something from victim girl. When asked by victim what she should do, he asked her to do obscene act (as stated in FIR). She ran away from place of incident. It is further alleged that subsequently, it was revealed that applicant accused chatted with the victim girl in the name of Khushi Parmar. It is alleged that he has also made some vulgar comments. In pursuant to the complainant made by the mother of the victim, the FIR was registered against the applicant.

3. Learned counsel for the applicant submitted that applicant was arrested on 9th July, 2017. The investigation is completed and chargesheet has been filed. The applicant is in custody since then. It is further submitted that his custody is not required. The offence

under Indian Penal Code at the most punishable with three years, and the offence under POSCO is also punishable with three years. The offences under Information Technology Act are punishable upto five years. There are no criminal antecedents against the applicant.

4. Learned APP submitted that mobile phone of the applicant accused was seized. He had chatted with the victim girl in the name of Khushi Parmar and had induced her to chat with him. He also forwarded obscene video and also uttered obscene words as stated in the First Information Report.

5. The chargesheet has been filed. The applicant is in custody since date of arrest. There are no criminal antecedents. Hence, bail can be granted on certain conditions. Hence, I pass the following order.

ORDER

- i) Bail Application No. 735 of 2018 is allowed.
- ii) The applicant is directed to be released on bail in connection with C.R. No.I-84 of 2017 registered with Shreenagar Police Station which is subject matter in Special Case No. 192 of 2017 on furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount;

- iii) The applicant shall not reside within the jurisdiction of Shreenagar Police Station, Thane.
- iv) The applicant is permitted to attend the proceeding before the Special Court at Thane.
- v) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;
- vi) The application stands disposed off.

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Sachidanand
Kuttan Nair
Date:
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(PRAKASH D. NAIK, J.)