

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 805 OF 2018

Kashinath Anant Mhatre	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Bharat Manghani, for the Applicant.
Ms. A. A. Takalkar, APP for the State/Respondent.
Mr. S. S. Deshmukh, PSI, Chunabhatti Police Station,
Mumbai.

CORAM: A. S. GADKARI, J
DATED: 14th JUNE, 2018

PC:-

1. This is an application under Section 439 of Cr.P.C. for bail in CR No.199 of 2016 dated 11th August, 2016 registered with Chunabhatti Police Station, Mumbai, under Sections 376, 354 of Indian Penal Code r/w Sections 4 and 12 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(12) of the Prevention of Atrocities Act.
2. Heard the learned Counsel for the Applicant and the learned APP. Perused the charge sheet.

3. It is the prosecution case in brief that, the applicant is resident of the same locality where the prosecutrix was residing. That on the date of incident the prosecutrix and her elder sister were sleeping in their house. That the applicant entered into their house, pull down the prosecutrix and committed sexual assault by inserting his finger in the private part of the prosecutrix. When the elder sister of the prosecutrix heard the noise, she raised hue and cry whereupon the applicant ran away from the said place. The applicant was chased by the elder sister of the prosecutrix and other residents of the locality and apprehended him. The applicant was immediately arrested on the same day. After completion of investigation, police have submitted charge-sheet.

4. The applicant as of today has undergone jail custody of about 22 months. The investigation of the present crime is completed. The record indicates that apart from the aforesaid act, no more overt act is attributed to him. The charge in the present case is not yet framed by the Trial Court.

5. In view of the peculiar facts and circumstances of the present case, this Court is of the view that the applicant can be released on bail.

Hence the following order.

(i) The Applicant be released on bail in CR No.199 of 2016 dated 11th August, 2016 registered with Chunabhatti Police Station, Mumbai, on his furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from jail, the Applicant is directed to attend the Investigating Officer on every first Monday of the month between 11.00 am. to 1.00 pm. till conclusion of trial.

(iii) The Applicant shall attend all the dates in the Trial Court.

(iv) Applicant shall not contact the prosecutrix and shall not tamper with the evidence and/or influence the prosecution witnesses.

6. Application is allowed in aforesaid terms.

[A. S. GADKARI, J.]