

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 821 OF 2018**

Haidar Hamid Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shashikant P. Chaudhari a/w Mr. Santosh I. Saroj I/b Maharashtra Law Associates for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

API Mr. Sunil Lokhande from Aarey Police Station is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 18th APRIL, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant, aged 19 years seeks his enlargement on bail in connection with C.R. No. 37 of 2018 registered with the Aarey Police Station, for the alleged offences punishable under Sections 354(A), 509, 143, 149, 323 of the Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act.

3. Perused the papers. The incident is alleged to have taken place on 3rd February 2018 at about 4:00 p.m. when the complainant and her friends had gone to Chota Kashmir for a picnic. According to the complainant, 2-3 boys from one group passed certain vulgar comments on the complainant and her friends. Subsequently, when the complainant's friend-Swapnil Nikam questioned the accused, it is alleged that the co-accused touched the complainant inappropriately and the applicant slapped the complainant and along with other co-accused assaulted the complainant's friend-Swapnil with fist blows. Admittedly, the applicant is not the person who is alleged to have inappropriately touched the complainant. The allegation as against the applicant is that he slapped the complainant and assaulted the complainant's friend-Swapnil. It appears that since the injuries were simple in nature, Swapnil's injury certificate has not been produced by the prosecution. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/-, with one or more local solvent sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Sunday of every month between 10:00 a.m. to 11:00 a.m., for a period of twelve months from today;
- (iii) The applicant shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court within two weeks of his release;

(vii) If there are two consecutive defaults in appearing before the trial Court or in reporting to the Investigating Officer and 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.

5. The application is allowed in the aforesaid terms and is accordingly disposed of.

6. 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.

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

REVATI MOHITE DERE, J.