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

CRIMINAL BAIL APPLICATION NO.848 OF 2018

Vinod Bhuvaneshwar Yadav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.P.R.Dave, for the Applicant.

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

PSI – Rahul D. Atigre, Naya Nagar Police Station, Thane Rural.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th APRIL, 2018

P.C. :

1. Learned counsel for the applicant seeks leave to amend the application. Leave granted. Amendment to be carried out forthwith.
2. Heard learned counsel for the parties.
3. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-253 of 2017 registered with the Naya

Nagar Police Station, Thane Rural, for the alleged offences punishable under Sections 376, 363, 366(A), 370(A), 465, 467 of the Indian Penal Code ; under Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (PITA Act) and under Section 4 of the Protection of Children from Sexual Offences Act.

4. Perused the charge-sheet, in particular the statement of the sole victim girl, aged 17 years. The victim girl has set out in detail, how she met co-accused – Kalpesh Tailor and thereafter, how co-accused – Babita had taken her to Andheri and to Samadhan Hotel, for prostitution. The victim girl in her 164 statement has not named the applicant. According to the prosecution, the applicant is the owner of the premises where the survivor was residing for 7 to 8 days. Apart from the same, learned APP is unable to point out any material to connect the applicant with the alleged offences. Merely because there are antecedents, qua the applicant, cannot be a sole ground to reject his application for bail.

5. 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 enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two 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., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial;

vi) 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.

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

7. 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.

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

(REVATI MOHITE DERE, J.)