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

BAIL APPLICATION NO. 990 OF 2018

Satish Jogiram Zinzotre @ Sattu

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Sanjeev P. Kadam for applicant.

Ms. J.S. Lohokare, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 16th July 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No. 696 of 2015 dated 19.11.2015 registered with MIDC Police Station, Mumbai under sections 363, 354(A), 34 of the Indian Penal Code and under sections 8 and 11 of Protection of Children From Sexual Offences Act (POCSO Act).

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] The victim girl in the present crime was aged about 16 years on the date of lodgment of the crime and therefore with a view to protect her

identity and in consonance with the provisions of Section 228(A) of the Indian Penal Code and under Section 33(7) of the Protection of Children From Sexual Offences Act (POCSO Act), the detailed narration of the facts mentioned in the first information report, statement of victim girl and other relevant statements are hereby avoided.

4] It is the prosecution case that, accused No.1 Raghav S. Thakur was having love affair with the first informant/prosecutrix. That on 18.11.2015 at about 10.00 p.m the prosecutrix along with Raghav Thakur was proceeding towards his house when two unknown persons met them in the street. The said unknown persons thereafter asked Raghav Thakur about his well-being and suggested him a short-cut to his house and to go by a nearby lane. It is alleged that, the said victim girl thereafter asked Raghav Thakur about the said unknown persons to which he informed that the said two persons are his friends. On the way to the house, the said two persons accosted Raghav and prosecutrix and forced the victim girl to drink some liquor. Thereafter they touched her inappropriately and outraged her modesty. The first information report is lodged by the prosecutrix herself on 19.11.2015. During the course of investigation, the applicant came to be arrested on 5.11.2017 and since then he is in jail. After completion of

investigation, the police have submitted chargesheet.

5] The test identification parade of the applicant has not been conducted by the Investigating Agency till date thereby prima facie establishing the fact that the applicant was one of the persons who allegedly outraged modesty of the victim girl. Prima facie, it appears that on the basis of statement of the co-accused, the applicant has been implicated in the present crime. The learned Counsel appearing for the applicant submitted that, there are no antecedents at the discredit of the applicant.

6] In view thereof, the applicant can be released on bail

Hence, the following Order:

i] Applicant be released on bail in CR No. 696 of 2015 registered with MIDC Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] After his release from jail, the applicant shall attend the MIDC Police Station, Mumbai on every first Monday of the month between 11.00 a.m and 1.00 p.m.

iii] Applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.

iv] Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellation of bail.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)