

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1087 OF 2018
Narayan S. Khamkar vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P. A. Bhangale i/by Trisha Bhattacharya for the Applicant.

Mr. M.G.Patil, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 17th July, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.159/2017 dated 24.7.2017 registered with Kala Chowki Police Station, Mumbai under Sections 376(2)(i)(j) of the Indian Penal Code and under Section 4,6,8,10 of the Protection of Children from Sexual Offences Act.

2. Heard the learned counsel appearing for the applicant and the learned APP. Perused the charge sheet.

3. The age of the prosecutrix was about 4 years on the date of lodgment of the crime.

4. With a view to protect the identify of the victim/prosecutrix girl 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, the name of the victim girl and the detailed narration of facts mentioned in the first information report, statement of victim girl and other relevant statements disclosing her identity are hereby avoided .

5. The first information report is lodged by the mother of the victim girl. It is the prosecution case that, the applicant was residing on the upper floor of the building and the prosecutrix was residing at ground floor. It is alleged that, on the date of the incident the applicant inserted his finger into the private part of the victim girl. The said fact was disclosed by the victim girl to her mother and thereafter the present crime is registered. During the course of investigation, the applicant came to be arrested on 24.7.2017 and after completion of investigation the police have submitted charge sheet.

6. After taking into consideration the aforesaid allegations made against the applicant and the fact that, the investigation in the present crime is already completed, this Court is of the view that, the applicant can be released on bail by imposing stringent conditions.

Hence, the following order.

- a) The applicant shall be released on bail in CR No.159/2017 dated 24.7.2017 registered with Kala chowki Police Station, Mumbai on his furnishing PR bond of Rs.25,000/-with one or two solvent local sureties in the like amount.
- b) Before his release from Jail the applicant shall provide his documents of prospective residence to Kala Chowki Police Station.
- b) After his release from Jail the applicant shall not enter the jurisdiction of Kala Chowki Police Station except for marking his presence as has been directed herein below.
- d) After his release from Jail the applicant shall attend the concerned police station on every alternate Monday between 11.00 a.m. and 1.00 p.m.

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- e) After the applicant marks his presence to the said police station he shall withdraw himself from the jurisdiction of Kala Chowki Police Station, Mumbai.
- f) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- g) The applicant shall not tamper with the evidence and or influence the prosecution witnesses.
- h) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)