

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1413 OF 2017

Gulab Kapildeo Yadav vs. 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. Nitin Borkar i/by R.V.Gupta for the applicant.

Mr. S.S. Hulke, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 22nd February, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No. 432/2016 dated 28.12.2016 registered with Vile Parle Police Station, Mumbai under Sections-354 of the Indian Penal Code and under Sections 4,8 and 1 of the Protection of Children from Sexual Offences Act.
2. Heard the learned counsel for the applicant and the learned APP for the State.
3. The victim girl in the present crime is aged about three and half years. With a view to protect the identify of the victim girl and in consonance with the provisions of

Section 228(A) of the I.P.C. the name of the victim girl and the detailed narration of the facts mentioned in the first information report is hereby avoided.

The first information report is lodged by the mother of the victim girl. It is the prosecution case that the applicant who is the neighbour of the first informant called the victim girl in his house under the pretext of giving snacks and cold drink to her and thereafter kissed her and touched her improperly. The victim girl disclosed the said fact to her mother and thereafter the present crime is registered.

4. The applicant is arrested on 3.1.2017 and after completion of investigation police have submitted charge sheet. The applicant is in Jail for last more than one year for the aforestated offence and therefore, this Court is inclined to release him on bail.

5. The learned APP submitted that the applicant is the immediate neighbour of the victim girl and there is every possibility that he may threaten and pressurize the witnesses if released on bail. The said apprehension can be taken care of by imposing stringent conditions while

releasing the applicant on bail.

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

Hence, the following order.

- a) The applicant be released on bail in CR No. 432/2016 dated 28.12.2016 registered with Vile Parle Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After release from Jail the applicant shall not enter the jurisdiction of Vile Parle Police Station till conclusion of trial.
- c) Before his release from Jail, the applicant shall provide documents pertaining to his prospective residential address to the concerned police station.
- d) After his release from the Jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till the conclusion of the trial.
- e) The applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.

- f) Any two consecutive defaults in complying with the afore stated conditions will attract the provisions of cancellation of bail.
- g) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- h) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)