

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1821 OF 2018

Amol Ashok Thakare, Age 29 years,
Occ.Rickshaw Driver, R/o.Rai Galli,
No.12, Room no.4, Opp.Bappa Kirana Stores,
Uttan Road, Bhayander (W), District Thane
(Presently in Thane Central Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Raviraj R. Paramane for applicant.

Mr.R.M.Pethe, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th October 2018

PC :

1. This is an application for bail in connection with CR No.I-474 of 2017 registered with Bhayander Police Station. The applicant was arrested on 4th December 2017. The offences were registered under Section 354(d) of Indian Penal Code and under Section 12 of Protection of Children from Sexual Offences Act, 2012.

2. The case of prosecution is that on 28th November 2017 the victim was at her house. The applicant sent a message through facebook messenger to her. The applicant inquired whether she recognizes him and sent several messages. The victim then questioned the applicant as to why he send such messages. The applicant then informed her that he would not send messages again. However, the informant again received messages in the name of

another person. On 4th September 2017 at about 7.30 pm, the victim and her sister went for shopping. At that time the applicant stalked her through market till she returned home. The victim then informed the incident to her mother and thereafter the FIR was lodged.

3. Learned counsel for applicant submitted that false case has been registered against the applicant at the instance of mother of victim. It is submitted that the applicant and the victim were in relation and on the earlier occasion an offence was registered against the applicant under Section 376 of IPC at the say of mother of victim in which the applicant was granted bail. It is submitted that with a view to stop the applicant to interact with the victim, the mother of victim had again instigated the victim to lodge the complaint. It is submitted that only allegation in the FIR is that the applicant had sent some messages and had followed her with she went to market. The offence u/s 356 is bailable in nature. The provisions of Section 12 of POCSO Act has been invoked without any basis. It is also submitted that messages were exchanged between both the parties show that they were acquainted with each other.

4. Learned APP submitted that the applicant was also involved in a case u/s 376 of IPC which was registered at the instance of same victim. Subsequently he is involved in the commission of present crime. The applicant is involved in following the victim.

5. I have perused the documents on record. The FIR was lodged on 28th November 2017. The applicant was arrested on 4th December 2017. The investigation is completed. The offence u/s

354(d) of IPC is bailable in nature and is punishable with three years imprisonment. There is no allegation of sexual assault in this case. It is also not alleged that the applicant has forwarded any objectionable messages. The applicant is in custody for about ten months. Taking into consideration the aforesaid aspects, further detention of the applicant is not called for. Hence, case for grant of bail is made out.

6. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1821 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-474 of 2017 registered with Bhayander Police Station, on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the Bhayander Police Station once in a month on the first Saturday of the month between 10 am and 12 noon till further orders;
- (iv) The applicant shall not send text messages and/or video messages/chatting and/or try to communicate the victim and her family by any manner, and shall not stalk the victim in any manner.

(PRAKASH D. NAIK, J.)

MST