

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

CRIMINAL BAIL APPLICATION NO.1907 OF 2018

Mangesh Ramji Shinde	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Ashok Mundargi, Senior Advocate i/b. Mr.Amol A. Patankar,
Advocate for the Applicant.
Mr.Y.M. Nakhwa, APP for the Respondent - State.
Mr.L. M. Pawar, PSI, Cuffe Parade Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 24, 2018.

P.C. :

This is an application for bail in connection with CR No.126 of 2018, registered with Cuffe Parade Police Station, Mumbai, on 27th June, 2018, for the offence under Section 354 (A) of IPC and Sections 8 and 12, of POCSO Act.

2 Applicant preferred an application for bail before the Special Court, which has been rejected on 12th July, 2018.

3 The case of the prosecution is that the victim was aged about 10 years at the time of incident. She was found crying by the police and she informed to the police that the accused was

improperly touching her while she was in the lift. On inquiry made with victim child, she had informed to the complainant that the accused had been inappropriately touching her since she was studying in third standard.

4 Learned counsel for the applicant submitted that the accused and the family of the victim are residing in the same building. It is submitted that the parties have resolved their differences and they intend to maintain harmonious relationship. Complainant is present in the Court. She has tendered the affidavit which is taken on record and marked “X” for identification. In the affidavit, it is stated that she has no objection for releasing the applicant on bail. However, the applicant shall not reside within the jurisdiction of the Cuffe Parade Police station, Mumbai.

5 Learned APP submitted that the investigation is completed and the charge-sheet will be filed within a period of three days. Mr.Mundargi, submits that the applicant is willing to stay out of the jurisdiction of the Cuffe Parade Police Station, Mumbai, for a period of six months and the situation can be reviewed thereafter.

6 Taking into consideration the aforesaid circumstances and considering the fact that the applicant is in custody from 27th June, 2018, bail can be granted on certain conditions.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1907 of 2018 is allowed;
- (ii) Applicant is directed to be released on bail in connection with CR No.126 of 2018, registered with Cuffe Parade Police Station, Mumbai, on executing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (ii) Applicant shall not tamper with the evidence and shall not approach the victim child or the complainant;
- (iii) Applicant shall stay out of the jurisdiction of Cuffe Parade Police Station, Mumbai, for a period of one year;

- (v) Bail Application No.1907 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)