

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

BAIL APPLICATION NO. 1917 OF 2018

Abhimanyu Narasu Patil

... Applicant

Vs.

State of Maharashtra

... Respondent

...

Mr. Viresh V. Purwant for the applicant.

Ms. A.A. Takalkar, APP for the Respondent-State.

Mr. H.S. Chirmade, PSI, Kapurbavadi Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd OCTOBER, 2018.

P.C.

1. This is an application for bail in connection with C.R. I-105 of 2018 registered with Kapurbavadi Police Station for the offences punishable under Section 354D, 324, 504, 506, 427 read with Section 34 of Indian Penal Code and Sections 11(1) and 12 of POCSO Act. The FIR was lodged on 31st March, 2017.

2. The case of the prosecution is that on 22nd March, 2018 at about 8 p.m the complainant was going towards Saibaba Temple situated at Azad Nagar Kolseht. While returning from the temple, a known boy aged about 20 years followed her on his motorcycle and tried to draw her attention by blowing horn and whistle. Complainant returned home. On 29th March, 2018 at about 11.45

am the complainant while returning from her college, the said boy met her on his motor-cycle and came close to her. He stopped the victim and tried to speak to her and used objectionable language and committed act of outraging her modesty. He insisted for her mobile number but the victim did not respond to his demand. The victim was scared and narrated the incident to her cousin Akash and Akshay. Complainant cousin recognized the boy when shown by the victim. Her cousin told accused not to follow the victim. At that time, Vicky Jaiswal, friend of her cousin and neighbour was accompanying them and he also gave understanding to accused. Applicant got annoyed and left the place. On 30.03.2018 at about 10 p.m when the victim and her cousin were at home, applicant and his two unknown friends came there with sticks. They knocked the doors and windows of the premises situated in the said chawl and broke the glasses of windows. They enquired about whereabouts of the complainant and her cousin. Applicant and his friends assaulted Vicky Jaiswal with sticks and Kadaa. Vicky is residing opposite the house of the complainant. Thereafter, they manhandled, abused and threatened the cousin of the complainant. Thereafter, FIR was lodged at Kapurbavadi Police Station vide C.R No. I-105 of 2018 for the offence punishable

under Sections 354D, 324, 504, 506, 427 read with 34 of Indian Penal Code and Sections 11(1) and 12 of POCSO Act against the applicant and others. Applicant was arrested on 31st March, 2018.

3. Learned counsel for the applicant submits that applicant is in custody from the date of arrest. Investigation is completed and chargesheet has been filed. It is submitted that most of the offences as alleged against the applicant are bailable in nature except the offence under Section 324 of Indian Penal Code which is punishable upto 3 years. It is submitted that none of the offences punishable are more than three years. Applicant is in custody for a period of six months.

4. Learned APP submitted that clear role has been attributed to the applicant. Applicant was continuously harassing the victim aged about 16 years. It is further submitted that applicant created ruckus in the vicinity of the victim girl by assaulting the neighbour and also causing damage to the window and doors of the chawl of people residing in the same locality. The conduct of the applicant is required to be considered. It is also submitted that one more case was registered against the applicant for the offence punishable under Section 354 of Indian Penal Code as well as POCSO Act. Learned counsel for the applicant submits that he had

allegedly only accompanied the main accused in that case and subsequently there was a marriage between the victim and the co-accused in that case.

5. Having heard both sides. It can be seen that the applicant has been attributed overt act of harassing the victim and assaulting witness. However, it is pertinent to note that the offences are not punishable with more than three years. Investigation is completed and chargesheet has been filed. Applicant is in custody for about six months. Considering the aforesaid circumstances, bail can be granted to the applicant by imposing certain stringent conditions.

ORDER

- i. Bail Application is allowed;
- ii. The applicant is directed to be released on bail in C.R. No. I-105 of 2018 registered with Kapurbavadi Police Station on furnishing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- iii. The applicant shall not enter into the jurisdiction of Kapurbavadi Police Station and shall report to the nearest police station once in a month on first Monday between 10 a.m to 12 noon till further order;

- iv. The applicant shall furnish residential address to the Investigating Officer after he is release from custody;
- v. The applicant shall attend the trial Court on every date of hearing, unless exempted by the Court;
- vi. The applicant shall not approach the victim or other witnesses till the conclusion of trial;
- vii. The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;
- viii. In case of breach of condition, the prosecution will be at liberty to move an application for cancellation of bail;
- ix. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)

Sachidanand
Kuttan Nair
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signed by
Sachidanand
Kuttan Nair
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