

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2504 OF 2017
Smt. Kamal P. Velankar vs. State of Maharashtra and ors.

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. Tariq Khan i/by R.K. Jagesia for the Applicant.
Mrs. A.A. Takalkar, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.
DATE : 6th June, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.84/2017 registered with Kanjur Marg Police Station, Mumbai under Sections-376 read with 34 of the Indian Penal Code (now culminated into POCSO Case No.361/2017).
2. Heard the learned counsel for the applicant and the learned APP. Perused the charge sheet.
3. It is the prosecution case as against the applicant that, the applicant aided and abetted co-accused Sunil Shinde to commit sexual assault on the prosecutrix who

was aged about 16 years on the date of lodgment of the present crime.

4. The statement of prosecutrix is recorded under Section 164 of the Cr. P. C. by the learned Metropolitan Magistrate, 52nd Court, Kurla, Mumbai and in her statement also the prosecutrix has attributed the role to the applicant of aiding and abetting co-accused Sunil Shinde in committing sexual assault on her.

The applicant is aged about 66 years as of today. The investigation in the present crime has already been completed and the police have submitted charge sheet in the Court of competent jurisdiction.

5. After taking into consideration the peculiar facts and circumstances of the present case, this Court is of the view that, the further incarceration of the applicant pending trial is not necessary and the applicant can be released on bail.

Hence, the following order.

a) The applicant be released on bail in CR No. No.84/2017 registered with Kanjur Marg Police Station,

Mumbai (now culminated into POCSO Case No.361/2017) pending on the file of Special Judge under POCSO Act, Greater Mumbai on her furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

- b) The applicant shall not tamper with the evidence and /or pressurize the prosecution witnesses.
- c) The applicant shall attend all the dates before the Trial Court unless prevented for medical reasons.
- d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)