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

***CRIMINAL BAIL APPLICATION NO.2567 OF 2017***

Vikas Suresh Mali

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.V.V.Purwant a/w Mr.Shirke-Patel, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent-State.

PSI – C.K.Patil, Bhiwandi Taluka Police Station, Thane.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 12<sup>th</sup> MARCH, 2018***

**P.C. :**

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-58 of 2016 registered with the Bhiwandi Taluka Police Station, Thane, for the alleged offences punishable under Sections 376 and 506 of the Indian Penal Code and under Sections 4 and 12 of Protection of Children from Sexual Offences Act.

3. Perused the charge-sheet. The prosecutrix was about 16 years 7 months, at the time of the alleged incident. The prosecutrix has alleged that the applicant, her neighbour had expressed his love for her and had taken her to his house and had physical relations with her. She has further alleged that as the applicant had assured to marry her, she had physical relations with him and that in September 2015, she became pregnant. The prosecutrix's 164 statement has also been recorded. The DNA report received from FSL dated 25<sup>th</sup> September, 2017, shows that the applicant is not the biological father of the child, that was born to the prosecutrix. The applicant is in custody for almost two years. Investigation is complete and charge-sheet is filed.

4. In the peculiar facts and circumstances of the case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

**ORDER**

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not enter village Palivali, where the prosecutrix resides, till the conclusion of the trial;
- v) The Applicant shall not tamper with the evidence or attempt to influence the prosecutrix, witnesses or any person concerned with the case;
- vi) The Applicant shall co-operate in the conduct of the trial;
- vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Registry of the trial Court, within two week's of his

release;

viii) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

5. The Application is allowed and disposed of in above terms.

6. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**