

Dond

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

BAIL APPLICATION NO.2686 OF 2017

Ramsingh Kalusingh Ramani

..Applicant

Vs

The State of Maharashtra

..Respondent

Ms. Anjali Patil for applicant.

Ms. J.S. Lohokare, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 18th June 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No.310 of 2017 dated 14.07.2017 registered with Bhandup Police Station, Mumbai under Sections 376 of the Indian Penal Code and under Sections 4 and 8 of Protection of Children From Sexual Offences Act (POCSO Act).

2] The prosecutrix was aged about 12 years on the date of alleged offence and with a view to protect her identity and in consonance with the provisions of Section 228(A) of the Indian Penal Code and under Section 33(7) of the Protection of Children From Sexual Offences Act (POCSO Act), the detailed narration of the facts mentioned in the first information

report, statement of victim girl and other relevant statements are hereby avoided.

3] The alleged incident occurred on 12.7.2017. The first information report is lodged by the mother of the prosecutrix on 14.7.2017. The prosecutrix in her statement under Section 161 of Cr. P.C has stated that, on the date of incident the applicant called her at his residence under the pretext of giving her his mobile phone for charging and thereafter removed her lingerie and inserted his middle finger in her private part. The statement of the prosecutrix is also recorded under Section 164 of Cr. P.C by the Metropolitan Magistrate, 52nd Court, Kurla, Mumbai on 24.7.2017 i.e after a gap of about thirteen days from the date of lodgment of report. In the said statement, the prosecutrix has alleged that the applicant committed forcible sexual assault upon her.

The medical examination of the prosecutrix was conducted on the day of lodgment of first information report. The Medical Officer on clinical examination has opined that, there was no evidence of sexual and physical violence and has further opined its possibility.

4] It prima facie appears that, after receipt of the said Medical Report the prosecutrix was either tutored or pampered by the near relatives

and therefore she narrated the said detailed version before the concerned Metropolitan Magistrate. The applicant has been arrested on 14.7.2017 and since then he is in jail. The police have already completed investigation and submitted chargesheet.

5] In view thereof, the applicant can be released on bail.

Hence, the following Order:

i] Applicant be released on bail in CR No. 310 of 2017 registered with Bhandup Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] After his release from jail, the applicant shall not enter into the jurisdiction of Bhandup Police Station and shall stay away from the said jurisdiction of Police Station except for marking his presence as directed hereinafter.

iii] After his release from jail, the applicant shall attend the Bhandup Police Station, Mumbai on every first Monday of the month between 11.00 a.m and 1.00 p.m.

iv] Before his release from jail, the applicant shall submit documents pertaining to prospective residence to the Investigating Officer and also to the Trial Court.

v] Applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.

vi] Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellatiion of bail.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)