

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO.2769 OF 2017****IN****POCSO SPL. NO. 68 OF 2017**

Santosh Anand Mohite

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr.Amrish R. Salunke, for the Applicant.

Mr.M.G.Patil, APP for the Respondent-State.

Psi Mr. Dagade, Ghatkopar Police Station present.

**CORAM : A. S. GADKARI, J.****DATE : 7<sup>th</sup> JUNE, 2018.****P.C.:-**

1) This is an Application under Section 439 of the Cr.P.C. for bail in CR No. 586 of 2016 dated 20.11.2016 registered with Ghatkopar Police Station, Mumbai under Sections 376(2)(i) of the Indian Penal Code and Sections 4 and 6 of Protection of Children from Sexual Offence Act, 2012.

The victim girl was minor, aged about eight years on the date of incident and with a view to protect the identity of the victim girl and in consonance with the provisions of Section 228(A) of the Indian Penal Code and Section 33(7) of the POCSO Act, the name of the victim girl, her close relatives and the detailed narration of facts

mentioned in the first information report and/or in the statements of witnesses is hereby avoided.

2) It is the case of the prosecution that on the date of incident, the applicant, who is neighbour of the victim girl, lured her and called her at his residence and thereafter on some pretext, he inserted his finger in her anal portion. The victim girl got frightened and ran away from the house of the applicant. After the victim girl disclosed the said incident to her mother and other neighbours, the neighbours apprehended the applicant and took him to police station.

The FIR is lodged by the mother of the victim girl. The applicant was arrested on 20.11.2016 and since then he is in jail. After completion of investigation police have submitted charge sheet.

3) After taking into consideration the aforesaid allegations against the applicant and the fact that since 20.11.2016 the applicant is in jail, this Court is of the view that the applicant can be released on bail. Hence, following order. :-

a) The Applicant be released on bail in CR No. 586/2016 dated 20.11.2016 registered with Ghatkopar Police Station Mumbai (now culminated into Special Case No.68/2017 pending on the file of Additional Sessions Judge, Mumbai), on his furnishing PR bond of

Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After his release from Jail, the Applicant shall not enter the jurisdiction of Ghatkopar Police Station except for marking his presence as directed herein after.

c) After his release from jail, the applicant shall attend Ghatkopar Police Station, Mumbai on every Monday between 11.00 a.m. and 1.00 p.m. and shall mark his presence. That after his presence is marked, the applicant shall withdraw himself from the jurisdiction of Ghatkopar Police Station immediately without any excuse.

d) Before his release from jail, the applicant shall give his prospective residential address to the Ghatkopar Police Station as well as to the Trial Court.

e) The Applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.

f) Any two consecutive defaults in complying with the aforesaid conditions will attract the provisions for cancellation of bail.

g) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

5) Application is allowed in the aforesaid terms.

**(A.S. GADKARI, J.)**