

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 3115 OF 2018**

Namdev Durgappa Chavan

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Satyavrat Joshi for the Applicant.

Smt. Rutuja Ambekar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 21st DECEMBER, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 136 of 2017 registered with Bibwewadi Police Station, Pune under Sections 354, 506(1) of the Indian Penal Code and under Sections 7, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012, now culminated into Special POCSO Case No. 396 OF 2018.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge-sheet.

3 The prosecutrix in the present crime was aged about 11 years on the date of lodgment of the crime and with a view to protect

her identity and in consonance with the provisions of Section 228(A) of the Indian Penal Code and Section 33(7) of the POCSO Act, the detailed narration of the facts mentioned in the first information report and in the statement of the prosecutrix is hereby avoided.

4 The first information report is lodged by the mother of the prosecutrix after being informed by one of the witnesses that, the Applicant herein has touched the private part of the prosecutrix inappropriately. The statement of the prosecutrix under Section 164 of the Code of Criminal Procedure is recorded by the learned Judicial Magistrate, First Class, Pune wherein, the prosecutrix has stated that she was knowing the present Applicant as “Ajoba” and on certain occasions, the Applicant had touched her inappropriately. The prosecutrix has not attributed any other overt act to the Applicant in her statement. The Applicant is in Jail since 3rd September, 2018 and after completion of investigation, the police have submitted charge-sheet. No purpose will be served by further keeping the Applicant in incarceration.

5 In view of the above, the Applicant can be released on bail.

Hence the following order:-

- a) The Applicant shall be released on bail in CR No. 136 of 2017 registered with Bibwewadi Police Station, Pune 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 Bibwewadi Police Station, Pune.
- c) After his release from Jail, the Applicant shall report to the Shivaji Nagar Police Station, Pune on every alternate Monday of the month between 10 a.m. and 12.00 noon initially for the period of 6 months and thereafter, on every first Monday of the month between 10.00 a.m. and 12.00 noon, till conclusion of the trial.
- d) Before his actual release from jail, the Applicant shall provide documents of his prospective residential address and also give his mobile numbers, if any, to the Bibwewadi Police Station.

- e) The Applicant shall attend all the dates before the Trial Court, unless precluded on medical grounds.
 - f) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- 6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)