

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3297 OF 2018

Anis Raju Jadhav @ Anis Nafis Shaikh ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

.....

Mr.Kuldeep Patil with Mr.Ramakant Yadav i/b. Mr.Sagar Kasar,
Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent/State.

Ms.Vidya Lande, PSI, Mumbra Police Station is present in person.

....

CORAM : PRAKASH D. NAIK J.

DATED : 19th DECEMBER 2018.

P.C. :

1 This is an application for bail in Crime in I-602 of 2018 registered with Mumbra Police Station for the offences punishable under Section 354-D of the Indian Penal Code as well as under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2 The complaint was lodged by the sister of the victim. The victim is related to the applicant as she is his cousin. It is alleged that on on 06th November 2018, the victim had informed

the complainant that on 4th August 2018, the applicant is cousin of the victim had outraged her modesty by committing act reflected in the First Information Report. The FIR was lodged by the sister of victim on 7th November 2018.

3 The learned Counsel for the applicant submitted that the applicant is in custody since 7th November 2018. It is submitted that the FIR was lodged belatedly in respect of the incident on 4th August 2018. The victim had not disclosed the incident to any person. The complainant is habitually filing complaints against several persons. The complainant has filed complaint against her mother and five persons. Copies of complaint are annexed to the application. He further submitted that at the instance of the complainant, statement of victim is recorded. The applicant is student of M.Com. and there are no antecedents against the applicant.

4 The learned Additional Public Prosecutor submitted that apart from statement of complainant, the statement of victim was recorded under Section 164 of the Code of Criminal Procedure and she has supported the prosecution case. The statement of the mother of the victim is also recorded. The learned Counsel for the applicant submitted that the applicant is required to attend his examination which should commence on 28th December 2018

5 As stated above, the incident is of 4th August 2018. FIR was lodged on 7th November 2018. The applicant is cousin of the victim and the complainant. He is in custody from the date of his arrest. The applicant has allegedly committed outrage of modesty of the victim by committing act as stated in the FIR. In the circumstances, there are no criminal antecedents against the applicant.

6 Considering the aforesaid circumstances, the applicant can be granted bail. Hence, the following Order :

ORDER

- (i) Bail Application No.3297 of 2018 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with Crime in I-602 of 2018 registered with Mumbra Police Station for the offences punishable under Section 354-D of the Indian Penal Code as well as under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 on furnishing PR Bond of Rs.25,000/- and on furnishing one or more sureties in the like amount ;
- (iii) The applicant shall report the concerned Police Station once in month on every first Friday of each month between 11.00 a.m. and 1.00 p.m. till further Orders;

- (iv) The applicant shall not tamper with the evidence and shall not approach the complainant and the victim
- (v) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of six weeks.
- (vi) The application is disposed of accordingly.

(PRAKASH D. NAIK J.)