

shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1799 OF 2019

Amrutlal Jagnarayan Pal] Applicant

Versus

The State of Maharashtra] Respondent

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Mr. Akshay Bhalerao, for the Applicant.

Ms. Veera Shinde, A.P.P for the Respondent - State.

P.S.I – Sonawane, Aarey Police Station.

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CORAM : REVATI MOHITE DERE, J.

DATE : 4th OCTOBER, 2019.

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. 282 of 2018 registered with Aarey Police Station, Goregaon, Mumbai for the alleged offences punishable under Sections 354 (A), 354 (D) and 509 of the Indian Penal Code and section 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Perused the papers. According to the complainant, (father of the victim girl, aged 14 years) on 7th December, 2018 at about 1.00 p.m, when his daughter returned home, she was crying and disclosed that the applicant had misbehaved by flashing and by uttering objectionable words. A perusal of the statement of the victim girl aged 14 years shows that incident took place near a Tabela. She has stated that the applicant started behaving in an objectionable manner i.e he undressed and flashed at her and also uttered objectionable words.

4. Learned Counsel for the applicant submits that the incident took place in a public place where the applicant had gone for bathing and washing his clothes. He submits that ultimately the maximum sentence that can be imposed for the aforesaid offence is three years. Learned Counsel for the applicant has tendered an affidavit of the applicant. The same is taken on record and marked 'X' for identification. In the said affidavit, the applicant has undertaken not to indulge in any behaviour which is objectionable.

5. The applicant is in custody since December, 2018. Investigation is complete and charge-sheet is filed. The applicant has no antecedents.

6. Considering the aforesaid, 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.20,000/- each with one or two local sureties in the like amount;
- ii) The Applicant shall report 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 their 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 into the jurisdiction of Aarey Police station except for the purpose of attending the Police Station as directed by clause (ii), until further orders.

v) The Applicant shall not tamper with the evidence or attempt to influence/contact the victim girl, complainant, witnesses or any person concerned with the case;

vi) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

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 weeks of his release;

viii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

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

8. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

[REVATI MOHITE DERE, J.]