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

CRIMINAL BAIL APPLICATION NO.152 OF 2019

Deepak Madhukar Mane ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

Mr.Hemant Ingle, i/b Mr.T.N.Khandare, for the Applicant.

Mr.A.R.Kapadnis, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd JULY, 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.446 of 2017 registered with the Mulund Police Station, Mumbai, for the alleged offences punishable under Sections 354(A), 506(II) of the Indian Penal Code (I.P.C.) and under Sections 8 and 12 of Protection of Children from Sexual Offences Act (POCSO).

3. Learned Counsel for the applicant submits that the applicant is in custody since 13th November, 2017 and that investigation is complete and charge-sheet is filed. He submitted that the maximum sentence that can be imposed is 7 years and since the applicant is in custody since November, 2017, the applicant be enlarged on bail.

4. Learned APP opposed the application. He submitted that the applicant has similar antecedents i.e. one case registered under Section 354(A) of the I.P.C. and two similar cases under the POCSO Act.

5. Perused the papers. According to the complainant, her daughter had gone to college on 11th November, 2017 and the incident took place whilst the complainant's daughter was returning home, from the college. According to the complainant, when her daughter (victim girl) was returning home, the applicant went near her and told her that he was working with her father and asked her to sit on his bike and told her that he would drop her home. She has stated that her daughter refused to sit on the applicant's bike, pursuant to which, the applicant held her hand and compelled her to sit on his bike. The complainant has further stated that the

applicant took the bike near an old building and took her daughter behind the bus on that road. She has alleged that as her daughter started shouting for help, the applicant gagged her daughter's mouth and touched her inappropriately. She has stated that since her daughter started crying and shouting, the applicant threatened her not to disclose the said incident and left from the spot. She has stated that her daughter returned home and disclosed the said incident. The victim girl's statement is consistent to the complainant's statement. The statement of the doctor is also consistent with the statement of the complainant. The applicant has similar antecedents i.e. two cases under POCSO Act and one case under Section 354(A) of I.P.C. If the applicant is enlarged on bail, the possibility of the applicant threatening and tampering with the witnesses cannot be ruled out.

6. Considering the material on record, this is not a fit case to enlarge the applicant on bail.

7. Accordingly, the application for bail is rejected and disposed of as such.

8. It is made clear that the observations made herein are prima facie for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.