

shailaja

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

CRIMINAL BAIL APPLICATION NO.301 OF 2019

Santosh Barmhakumar Sharma	]	Applicant
Versus		
The State of Maharashtra	]	Respondent

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Mr. Alif Mobhani i/b Mr. Daya S. Jadhav, for the Applicant.

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

P.S.I- P.B. Desai, Malvani Police Station.

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CORAM : REVATI MOHITE DERE, J.

DATE : 1st 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. 599 of 2018 registered with the Malvani Police Station, Mumbai, for the alleged offences punishable under Section 354 of the Indian Penal Code and under Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

3. Perused the papers. According to the complainant, (mother of the victim girl aged 17 years), the incident took place in the intervening night of 26th August, 2018 and 27th August, 2018. The victim girl has alleged that the applicant-her father's friend has come home and after having dinner slept in their house. She has stated that at about 3.00 a.m when everybody was asleep, the applicant touched her inappropriately on her chest, thighs and back. She has stated that she resisted the said act and tried to tell her father, however, as he was under the influence of alcohol, he did not wake up. She has stated that as she resisted the applicant, he went to sleep. She has stated that on the next date, she informed her mother, pursuant to which the aforesaid complaint was lodged.

4. The applicant has filed an affidavit-cum-undertaking that he will not go in the vicinity or jurisdiction where the victim girl is residing and will not indulge in any such act and will not contact the victim girl or her family. The applicant is in the custody since 27th August, 2018. The applicant has no antecedents. Investigation is complete and the charge-sheet is filed.

5. 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.15,000/- with one surety in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till framing of the charge.
- iii) The applicant shall not enter into the jurisdiction]of Malvani Police Station except for the purpose of attending the Police Station.
- iv) The Applicant shall inform his 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;
- v) 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;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

vii) 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.

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

7. 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.

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

[REVATI MOHITE DERE, J.]