

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

CRIMINAL BAIL APPLICATION NO. 448 OF 2019

Dinesh Ramvilas Gaud	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Ms.Tripti Shetty for the Applicant.
- Mr.A.R. Kapadnis, APP for the Respondent.
- Mr.Vijay V. Kandalgaonkar, P.I., MHB Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th MARCH, 2019.

P.C. :

1] Applicant is seeking bail. The Applicant is arrested on 2nd August, 2018 in connection with C.R. No. 362 of 2017 registered with MHB Police Station, Borivali (West), Mumbai, for the offence punishable under Sections 354, 324, 323, 504 r/w. 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2] The FIR was lodged on 7th October, 2017 by the victim who was aged about 16 years. It was alleged that on 6th October, 2017 while victim was proceeding towards the public toilet, the Applicant and another person

accompanying him, chased her. While she was returning from the bathroom, the Applicant caught hold of her from behind, closed her mouth, pulled her. The other person tried to catch hold of her hands and both of them attempted to outrage her modesty. The victim informed about the incident to her mother and uncle. The uncle of the victim then questioned the Applicant. He was assaulted by the brother of the Applicant by giving blows of knife. The mother of the victim tried to intervene. She was also assaulted by the accused. The statement of several witnesses were recorded during the course of investigation. The injury reports were collected and charge-sheet is filed. The co-accused Ramesh Gaud was arrested immediately after the incident and had preferred an application for bail before this Court. It was allowed vide order dated 20th November, 2017. While allowing the said application, it was observed that the role of the co-accused is assaulting maternal uncle of the victim and penal provisions invoked against him are 324, 323 and 504 of the Indian Penal Code.

3] Learned counsel for the Applicant submitted that the Applicant is in custody from the date of arrest. He has preferred the application for anticipatory bail, which was rejected and thereafter, the Applicant had surrendered before the police on 2nd August, 2018. The investigation is completed and charge-sheet is filed. It is further submitted that the case is of

attempt and further custody of the Applicant is not called for. There are no antecedents against the Applicant. Whereas learned APP submitted that the Applicant and the co-accused tried to outrage modesty of the victim. The accused were also involved in assaulting uncle and the mother of the victim. The Applicant was absconding.

4] The FIR was lodged on 7th October, 2017 in relation to incident dated 6th October, 2017. The Applicant and unknown person had allegedly attempted to outrage modesty of the victim. The role of assaulting the uncle of the victim by knife was attributed to co-accused who was arrested and granted bail. The Applicant had preferred an application for anticipatory bail, which was rejected and subsequently, he had surrendered on 2nd August, 2018. The Applicant is in custody from 2nd August, 2018. The charge-sheet is filed. Further custody is not required.

5] In this circumstances, I pass following order.

:: ORDER ::

- (i) Bail Application No. 448 of 2019 is allowed and disposed of.
- (ii) The Applicant is directed to be released on bail in connection with C.R. No. 362 of 2017 registered

with MHB Police Station, Borivali (W.), Mumbai, on his furnishing the P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount.

- (iii) The Applicant shall report to the concerned Police Station once in a month on first Saturday of the month between 11.00 pm to 01.00 pm till further order.
- (iv) The Applicant shall not enter within the vicinity of of the victim and her family.
- (v) The Applicant is permitted to furnish the cash security of Rs.25,000/- for the period of six weeks.

[PRAKASH D. NAIK, J.]