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

CRIMINAL BAIL APPLICATION NO.500 OF 2019

Aditya Eknath Brid	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Milan Desai i/b Mr.T.R.Patel, for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 28th JUNE, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant, aged 21 years, seeks his enlargement on bail in connection with C.R.No.384 of 2018 registered with the Dindoshi Police Station, Mumbai, for the alleged offences punishable under Sections 376(I), 354(D), 363, 342 of the Indian Penal Code and under Sections 4 and 8 of the Protection of Children from Sexual Offences

Act.

3. Perused the papers. According to the prosecution, she was studying in standard 10th at the relevant time. She has alleged that on 21st July, 2018 at about 6.30 a.m., when she was on her way to school, the applicant, whom she knew by face offered to drop her to school in his car. She has stated that she refused to take the ride, however, the applicant followed her and insisted that she sit in his car, pursuant to which, she unwillingly sat in the car, as the passerby's were watching them. She has further stated that the applicant took the car towards Malad Subway and did not stop the car, despite her asking him to stop. She has alleged that the applicant told her that he wanted to fill petrol and that he would then drop her to school and saying so he took the car towards the Western Express Highway. Thereafter, it is alleged that the applicant stopped the car and told her that he wanted to have physical relations with her, however, she refused. She has further alleged that she kicked the applicant, when he lifted her skirt, despite her resistance and inserted his finger in her private part. According to the prosecutrix, as she started shouting, the applicant dropped her to Marve Road Junction, Malad (West), Mumbai from where

she went to her school and informed her principal about the entire incident, who in-turn informed the same to her mother and called the police.

4. Learned Counsel for the applicant states that the applicant, aged 21 years is in custody since 21st July, 2018 and that investigation is complete and charge-sheet is filed. Today, the learned counsel for the applicant has tendered an affidavit-cum-undertaking of the applicant. In the said affidavit-cum-undertaking, the applicant has undertaken not to contact the prosecutrix or any witness concerned with the said case. He has also undertaken to co-operate in the conduct of the trial and has also stated that he will not reside within the jurisdiction of Dindoshi Police Station. The applicant has also undertaken that he will not indulge in any illegal or unlawful activities. The applicant's father – Eknath Brid, has also tendered an affidavit-cum-undertaking stating therein, that he will take full responsibility of the applicant during the period the applicant is on bail, till the conclusion of the trial. Similarly, the applicant's mother – Archana Brid, has also filed an affidavit. The said affidavits are taken on record and marked 'X colly' for identification. The applicant has no antecedents.

5. Considering the fact that the applicant is in custody since 2018, the possibility of the trial not commencing in the immediate near future and in view of the affidavit-cum-undertakings tendered today, in the peculiar facts and circumstances of the case, 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/- with one or two sureties 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 the conclusion of the trial;
- iii) 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;

- iv) The Applicant shall not enter the jurisdiction of Dindoshi Police Station, till the conclusion of the trial, except for the purpose of attending the police station, as mentioned in clause (ii) and the trial Court;
- v) The Applicant shall be accompanied either by his mother or father whenever he attends the concerned Police Station as well as the trial Court;
- vi) The Applicant shall not tamper with the evidence or attempt to influence/contact the prosecutrix, witnesses or any person concerned with the case;
- vii) 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;
- viii) An undertaking to the aforesaid clauses (ii) to (vii), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

ix) 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, 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 are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.