

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

CRIMINAL BAIL APPLICATION NO. 643 OF 2019

Ramesh Shantaram Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Anthony Nadar i/b. Mr. Ashok Sutrale, Advocate for the Applicant.

Mr. Y. M. Nakhawa, A.P.P. for the Respondent-State.

P.S.I. Mr. R.V. Kadam, Dahisar Police Station present.

CORAM : SANDEEP K. SHINDE, J.

DATE : 05th NOVEMBER 2019.

P.C.

1 Heard learned counsel for the applicant and Mr. Y. M. Nakhawa learned A.P.P. for the Respondent – State.

2 Applicant is seeking bail in Crime No.506 of 2018 registered with the Dahisar Police Station for the alleged offences punishable under Sections 354 and 506 of the Indian Penal Code, 1860 (**‘IPC’** for short) and read with Sections 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (**‘POCSO’** for short)

3 Applicant is maternal uncle of the victim, a 10 years old, who alleged domestic aggravated sexual assault on her.

4 The incident allegedly taken place in April 2018, but reported

in August 2018. Learned counsel for the applicant submits that the allegation on the face of it, are not probable and he has been falsely implicated by the family.

5 Mr. Nakhawa learned A.P.P. has brought to my notice, the statement of the victim recorded under Section 24 of the POCSO Act, which according to him is consistent with other evidence and submits there is no reason to disbelieve it. He therefore, opposes the application.

6 The applicant is in the custody since August 2018. He is near relative of the victim. It is submitted that by the counsel for the applicant as well as learned A.P.P. that when the matter was heard on the previous date, the applicant was directed to file the affidavit by this Court (by learned Predecessor). Learned counsel for the applicant tendered across the bar affidavit of dated 20th October 2019. It is taken on record and marked as **Exhibit 'X - 1'** for identification, wherein applicant has stated that he shall not enter in the area where victim is residing. Statement is accepted.

7 Considering the facts of the case and a fact that trial is not likely commence and conclude in the near future. Applicant is directed to released on bail on the following terms and conditions :

ORDER

- (i) The applicant is directed to be enlarged on bail on executing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station twice in the month commencing from the 15th November 2019 on each Friday in between 10:00 a.m. to 12:00 noon for the period of one year.
- (iii) The applicant shall inform particulars of his residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

(vii) The applicant shall not leave the jurisdiction of this Court without prior permission;

8 The application is allowed in the aforesaid terms and is accordingly disposed of.

9 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.

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

(SANDEEP K. SHINDE, J.)