

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 690 OF 2019**

Shirish Narshibhai Gajjar

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. M.S. Mohite I/by S.I. Kantharia for the Applicant.

Mr. S.S. Hulke APP, for the Respondent-State.

**CORAM : A. S. GADKARI, J.**

**DATE : 25<sup>th</sup> APRIL, 2019.**

**P.C.:-**

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 2 of 2019 dated 1<sup>st</sup> January, 2019, registered with Malad Police Station, Mumbai under Section 354 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act), now culminated into Special Case No. 50 of 2019.

2           Heard the learned counsel for the Applicant and the learned APP. Perused the charge-sheet.

3           The prosecutrix was aged about 17 years on the date of lodgment of the crime and with a view to protect her identity and in consonance with the provisions of Section 228(A) of the Indian Penal

Code and Section 33(7) of the POCSO Act, the detailed narration of facts mentioned in the first information report and in the statement of the prosecutrix are hereby avoided.

4           The Applicant was a teacher in the coaching class where, the prosecutrix was a student. It is the allegation against the Applicant that, he on some occasions directed the prosecutrix to sit on the last bench and touched her inappropriately. Apart from this, no other overt act is attributed to the Applicant.

The Applicant is in Jail since 1<sup>st</sup> January, 2019 and after completion of the investigation, police have submitted charge-sheet. No purpose will be served by further keeping the Applicant in incarceration and the Applicant can be released on bail.

Hence the following order.

- a)   The Applicant shall be released on bail in CR No. 2 of 2019 dated 1<sup>st</sup> January, 2019, registered with Malad Police Station, Mumbai on his furnishing PR bond of Rs. 25,000/- with one or two solvent local sureties in the like amount.
- b)   The Applicant shall attend all the dates before the

Trial Court unless exempted by the concerned Court.

- c) Any two consecutive defaults in complying with the afore-stated conditions will attract the provisions of cancellation of bail.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

5 Application is allowed in the aforesaid terms.

**(A.S. GADKARI, J.)**