

Anand

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

BAIL APPLICATION NO. 798 OF 2019

Prabhakar Bhoja Pujari alias Poojari .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Shishir Joshi i/b. Ms Neha Choksi, Advocate, for the Applicant
Mr. P. H. Gaikwad, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 245 of 2018 registered with the Shivaji Park Police Station, for the alleged offences punishable under Sections 354, 452 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

3. Perused the papers. According to the victim aged 15

years, the incident took place on 30.10.2018. According to the victim girl, the incident took place at around 11.30 a. m., when she was alone at home. She has stated that her mother had gone for a bath when the Applicant, a waiter, at Anand Ashram Hotel entered the house and started talking to her; that whilst talking her, he touched her inappropriately and attempted to kiss her. She has stated that she pushed the Applicant and ran out of the house and disclosed the incident to her friend.

4. Learned counsel for the Applicant has tendered an Affidavit-cum-undertaking of the Applicant. The same is taken on record. In the said Affidavit-cum-undertaking, the Applicant has undertaken not to leave Mumbai without the prior permission of the trial Court and has also undertaken not to enter the vicinity, where the victim is residing. Investigation is complete and charge-sheet is filed. The Applicant is in custody since November, 2018.

5. Having regard to the aforesaid and in particular, the Affidavit-cum-undertaking filed by the Applicant, the Application is allowed and the Applicant is enlarged on bail on the following

terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing P.R. Bond in the sum of **Rs. 15,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned Police Station on the **first Monday of every month** between **10:00 a. m. and 11:00 a. m.** till the conclusion of the trial;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant shall not leave Mumbai without prior permission of the trial Court;

- (vi) The Applicant to cooperate in the conduct of the trial;
- (vii) The Applicant to file an undertaking with regard to Clauses (ii) to (vi), in the trial Court, within two weeks of his release;
- (viii) If there are two consecutive defaults in appearing before the trial Court or breach of the conditions, the prosecution will be at liberty to apply for cancellation of the Applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

(REVATI MOHITE DERE, J.)