

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 809 OF 2019**

Sukhvir Ranvir Singh Negi

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ramrasad V. Gupta for the Applicant

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent-State

API Mr. D. R. Kadam from Vakola Police Station, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 18th JUNE 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 124 of 2018 registered with the Vakola Police Station, Mumbai, for the alleged offences punishable under Sections 354, 509 of the Indian Penal Code and under Sections 10 and 12 of the Protection of Children from Sexual Offences Act.

3 Learned counsel for the applicant submitted that the applicant has been falsely implicated by his wife i.e. the complainant and his

daughter i.e. the victim girl, as there were frequent quarrels between the applicant and the complainant. He submits that the applicant is in custody since 27th March 2018.

4 Perused the papers. The applicant is the father of the victim girl aged 11 years. According to the complainant (wife of the applicant) the incident took place in January 2018 when she was residing in the house along with the applicant and her daughter (victim girl aged 11 years). She has stated that the applicant was working in a Call Centre and was not giving money to her for household expenses. She has alleged that the applicant touched her daughter inappropriately in January 2018, pursuant to which, she lodged the aforesaid complaint. It appears that there are matrimonial disputes between the complainant and the applicant, inasmuch as, a DV case has been filed by the complainant as against the applicant in 2014. It also appears that the applicant has filed an FIR as against the complainant in June 2016 alleging offence punishable under Sections 324, 352, 504 of the Indian Penal Code. It also appears that the applicant has written several letters to the Senior Inspector, Vakola Police Station stating therein about the cruelty and harassment meted out by the complainant

including giving threat of committing suicide, killing daughter, etc. Be that as it may, the applicant is in custody since March 2018. Investigation is complete and charge-sheet is filed. Learned counsel for the applicant states that the applicant will abide by the conditions that may be imposed by this Court.

5 Considering the peculiar facts and circumstances of this case, the application is allowed on the following terms and conditions :

ORDER

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

- (ii) The applicant shall attend the Vakola Police Station on the first Monday of every month between 10:00 a.m. to 11:00 a.m. for a period of 12 months from the date of his release;

- (iii) The applicant shall not enter the jurisdiction of Vakola Police Station, except for attending the concerned Police Station;

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

(v) The applicant shall inform his address, where he intends to reside 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;

(vi) The applicant to cooperate with the conduct of the trial;

(vii) The applicant shall 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 either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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

7 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.

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

REVATI MOHITE DERE, J.