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

CRIMINAL BAIL APPLICATION NO.1014 OF 2019

Mahadev Janardhan Jagtap

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.S.P.Sajkar, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th 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.43 of 2019 registered with the Chunabhatti Police Station, Mumbai, for the alleged offences punishable under Sections 354 and 342 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.
3. Perused the papers. A perusal of the statement of the

complainant shows that the incident took place on 4th March, 2019 at about 11.30 a.m. According to the complainant, he was in the house, when he heard his niece crying, as a result of which, he went out and asked the reason. According to the complainant, the victim girl, aged 7 years disclosed to him that the uncle (applicant) had pulled her inside the house, locked the door and held her two hands and as she got scared, she started shouting, the applicant opened the door and let her out. It appears that this is the only allegation as against the applicant. Whether or not the said act would constitute an offence under Section 354 of the Indian Penal Code or not, is a matter which will be decided by the trial Court. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid, 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.15,000/- with one or more sureties in the like amount;

- ii) The Applicant shall attend the concerned Police Station, on the first Monday 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 tamper with the evidence or attempt to influence/contact the victim girl, complainant, witnesses or any person concerned with the case;
- v) The Applicant shall not commit any other offence;
- vi) The Applicant shall co-operate in the conduct of the trial;
- vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his

release;

5. The Application is allowed and disposed of in above terms.

6. 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.

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

REVATI MOHITE DERE, J.