

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1042 OF 2019

Rajkumar Ramdular Varma @ Raj Varam ...Applicant
V/s.
The State of MaharashtraRespondent

Mr. P.G. Sardar i/by Mr. V.V. Tatepatil,
Advocate for the applicant.
Ms. Sharmila Kaushik, APP for the Respondent-State.
Mr. A.N. Gaikwad, P.S.I., Shivaji Nagar Police
Station, Ambernath.

CORAM : SANDEEP K. SHINDE, J.

Monday, 16th December, 2019.

P.C. :

Heard learned counsel for the Applicant
and the learned APP for the State.

2. Applicant is seeking his enlargement on
bail in Crime No.I-205/2018 registered with Shivaji
Nagar Police Station, Ambernath for the offences
punishable under Sections 354, 506 of Indian Penal
Code, 1860 ("IPC" for short) and under Section 11,

12 of Protection of Child Against Sexual Offences Act, 2012.

3. The applicant allegedly, copied photo of victim - teenager, from her social media account and morphed her face on obscene picture. Thereafter, it is alleged applicant sent morphed photo and threatened to make the picture viral.

4. Offences of the similar nature are registered against him; C.R. No.167/2018, 180/2018, 268/2018, 279/2018, 59/2018 under Section 354(D) of the IPC; Section 12 of POCSO and Section 66-C, 67 of the Information Technology Act. All the aforesaid offences were registered, when the applicant was working in Qatar.

5. Be that as it may, he came to be apprehended on 01.11.2018 and since then he is in jail.

6. Learned counsel for the applicant submitted that the allegations do not suggest

and/or make out offence of outraging modesty, but may be one under Section 354-A, 354-C, 354-D, which are bailable. It is submitted that the applicant has been granted bail in C.R. No. 167/2018, 279/2018 and 59/2018. Orders are produced and taken on record, marked **'X-1'** collectively for **identification.**

7. Learned APP submits that the applicant is a habitual offender.

8. I have perused the complaint and affidavit filed by the prosecution. The applicant is in the jail since November, 2018, and has been released on bail in three crimes, which were registered on the same set of allegations.

9. It is informed, Khadak Police Station has seized the passport of the applicant. In view of the facts of the case and since the trial is not likely to commence in near future, the applicant is directed to be released on the bail.

ORDER

(i) The applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with the one or more sureties in the like amount;

(ii) The applicant shall cooperate in the investigation and report to the concerned police station twice a month on 10th day of each month commencing from January, 2020 till the charge framed;

(iii) The applicant shall furnish particulars of his residence and mobile to the Investigating Officer;

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

(v) Prosecution may apply for cancellation of the bail, in case, the applicant indulges

into the similar act;

(vi) Applicant is directed to deposit his passport with the concerned Police Station within ten days from his release on the bail, in case, it is not deposited with the Khadak Police Station;

11. The application is disposed of.

12. 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.

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

(SANDEEP. K. SHINDE, J.)