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

CRIMINAL BAIL APPLICATION NO.1117 OF 2019

Rohit Vilas Shinde	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.B.K.Manghani, for the Applicant.

Mr.A.A.Palkar, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd JULY, 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.275 of 2018 registered with the Bhandup Police Station, Mumbai, for the alleged offences punishable under Sections 376(2)(N)(I)(J) of the Indian Penal Code and under Sections 4 and 6 of Protection of Children from Sexual Offences Act and under Sections 66(E) and 67(A) of the Information Technology Act.

3. Perused the papers. The complainant is the sister of the prosecutrix. The prosecutrix aged 15 years has alleged that she was studying in the 10th Standard when she met co-accused – Mayur (a juvenile accused). She has stated that she was in a relationship with Mayur since two years prior. She has stated that the present applicant was a good friend of Mayur and hence they would all meet often. She has stated that in October, 2017, the applicant misled her and took her home and told her that Mayur wanted some nude photographs, pursuant to which, she allowed the applicant to take her photographs in her underclothes. She has further stated that after 3 days, the applicant showed her the recording and the photographs and threatened her that he would show the said photographs to her sister and would make the same viral, if she did not have physical relations with him. She has further stated that pursuant thereto, she had physical relations with the applicant. The medical case papers *prima facie*, do not support the case of the prosecutrix that she was sexually assaulted. The applicant is in custody since July, 2018. Investigation is complete and charge-sheet is filed.

4. Considering the material, *qua* the applicant, the application is

allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be released on cash bail in the sum of Rs.15,000/-, for a period of six weeks;
- ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount;
- iii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- 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 trial Court as well as to the concerned Police Station, in writing;

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

vi) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

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;

viii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

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.