

Anand

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

BAIL APPLICATION NO. 1262 OF 2019

Navin Kumar Bhagwan Rathod .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Prasad J. Patil, Advocate, for the Applicant

Mr. P. H. Gaikwad, APP, for the Respondent – State

Ms Ashwini Nanaware, API, Andheri Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 27.06.2019

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. 401 of 2018 registered with the Andheri Police Station, Mumbai, for the alleged offences punishable under Sections 354, 354D r/w 34 of the Indian Penal Code.

3. Perused the papers. According to the Complainant, aged 17 years, when she had gone to the market alongwith her mother to purchase vegetables; the Applicant and his friend followed them, held

her hand and told his friend “chal isko utha”. Pursuant thereto, the Complainant lodged the Complaint / FIR. Learned counsel for the Applicant has tendered an Affidavit of the Applicant which is affirmed before the Superintendent, Thane Central Jail. In the said Affidavit, the Applicant has undertaken not to commit similar offence in future. He has also undertaken not to follow / stalk, induce, threaten or pressurize the victim / complainant or any other witnesses. The said Affidavit is taken on record and marked as “X” for identification. The Applicant is in custody since 17.08.2018. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid and the Affidavit 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 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.;**
- (iii) The Applicant shall not enter the jurisdiction of the Andheri

Police Station, except for the purpose of attending the police station;

(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) 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;

(vi) The Applicant to cooperate with the conduct of the trial and attend the Court on every date, unless exempted by the Court;

(vii) The Applicant shall not commit any similar offence;

(viii) The Applicant to file an undertaking with regard to clauses (ii) to (vii), in the trial Court, within two weeks of his release;

(ix) 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.

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

6. 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.

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

(REVATI MOHITE DERE, J.)