

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1358 OF 2019**

Vijay Ramdhani Mishra	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Bhati a/w Ms. Priya Pandey for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PSI Mr. S. P. Katkar from Amboli Police Station, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 9th SEPTEMBER 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. 535 of 2018 registered with the Amboli Police Station, for the alleged offences punishable under Section 345 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act.

3 Perused the papers. According to the complainant (mother of the victim girl aged 6 years), the incident took place on 14th December 2018. The complainant has alleged that when she returned from work, her mother-in-law told her that her daughter was having pain in her private part. On inquiry, the victim girl disclosed that she had gone to the applicant's house on 14th December 2018, when the applicant lifted her frock and touched her private part. The applicant is alleged to have told the victim girl not to disclose the same to any person.

4 Learned counsel for the applicant states that the maximum sentence that can be imposed in the present case is up to five years and that the applicant is in custody since December 2018. Learned counsel for the applicant has filed an affidavit of the applicant, stating that he will not directly or indirectly contact the victim girl or the family members; that he will not enter the jurisdiction of Amboli Police Station; that he will not tamper with the prosecution witnesses; that he will not leave the jurisdiction of this Court, without the prior permission of the trial Court and that he will not indulge in similar offence.

5 The applicant has no antecedents. Investigation is complete and charge-sheet is filed. The applicant is in custody since December 2018.

6 Considering the aforesaid and in particular, the affidavit filed by the applicant, 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 local sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;
- (iii) The applicant shall not enter the jurisdiction of Amboli Police Station, till the conclusion of the trial, except for the purpose of attending the Police Station;

- (iv) The applicant shall not leave the jurisdiction of this Court, without the prior permission of the trial Court;
- (v) The applicant shall not indulge in similar offences;
- (vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (vii) The applicant shall inform his latest place of residence 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;
- (viii) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (ix) The applicant shall file an undertaking with regard to clauses

(ii) to (viii) in the trial Court, within two weeks of his release;

(x) 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.

7 The application is accordingly disposed of.

8 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.

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

REVATI MOHITE DERE, J.