

Anand

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

BAIL APPLICATION NO. 1373 OF 2019

Anil Rohidas Jadhav .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Rohan H. Barge Advocate, for the Applicant

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

Ms Pallavi Gulis, Advocate, for the Complainant / Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 31.07.2019

P.C.

. At the outset, learned counsel for the Applicant seeks leave to amend to delete the name of the prosecutrix wherever it appears in the Application. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

3. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-322 of 2018 registered with the APMC Police Station, Navi Mumbai, for the alleged offences punishable under Sections 376, 354, 506(2) of the Indian Penal Code

and under Sections 4 & 8 of the Protection of Children from Sexual Offences Act.

4. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case by his step daughter, aged 17 years, as he was opposing her relationship with a boy. He submits that the alleged allegations are of the year 2014, whereas the Complaint was lodged in 2018 i. e. after four years.

5. Perused the papers, in particular, the statement of the prosecutrix, aged 17 years. Admittedly, the Applicant is the step father of the prosecutrix. According to the prosecutrix, in the year 2014, the Applicant had forceful physical relations with her, after touching her inappropriately and thereafter, again in August, 2018, the Applicant touched her inappropriately. A perusal of the 164 statement of the prosecutrix shows that she has not made any allegation of sexual assault by the Applicant. To the contrary, she has stated that the Applicant looks after her well and she has no complaint against the Applicant and that out of fear, she lodged a false complaint against the Applicant. The Applicant is in custody since 09.12.2018. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, in the peculiar facts, 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. 10,000/-** 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 Saturday of every month** between **10.00 a. m. and 11.00 a. m.** for a period of 12 months;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The Applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted.

7. The Application is allowed in the aforesaid terms and 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.

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

(REVATI MOHITE DERE, J.)