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

***CRIMINAL BAIL APPLICATION NO.1417 OF 2019***

|                      |               |
|----------------------|---------------|
| Sanjay Kamal Potdar  | ...Applicant  |
| Versus               |               |
| State of Maharashtra | ...Respondent |

Mr.S.Y.Kale, for the Applicant.

Ms.J.S.Lohakare, A.P.P for the Respondent - State.

PSI – J.P.Sawant, Versova Police Station, Mumbai.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 7<sup>th</sup> JUNE, 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.213 of 2018 registered with the Versova Police Station, Mumbai, for the alleged offences punishable under Sections 354-D of the Indian Penal Code and under Section 8 of Protection of Children from Sexual Offences Act.

3. Perused the papers. According to the survivor, aged 15 years, the applicant was her neighbour. She has alleged that the applicant would follow her for about 2 months, when she went to attend tuitions. She has stated that he would stalk her almost every day and that one month prior to the lodging of the FIR, when she was coming back from her tuitions at about 9.30 p.m., the applicant hugged her from behind, inappropriately touched her and attempted to kiss her. She has stated that the applicant did the said act 2 to 3 times, pursuant to which, she informed her grandmother and that thereafter the applicant came to be arrested.

4. Learned Counsel for the Applicant has tendered an affidavit of the applicant. The same is taken on record and marked 'X' for identification. In the said affidavit the applicant has undertaken to change his residence from the jurisdiction of Versova Police Station to Kherwadi Police Station. In the said affidavit the applicant has stated that his family has already shifted to the jurisdiction of Kherwadi Police Station and has undertaken not to visit the locality where the survivor resides and that he will not contact or influence her in any manner. The applicant is in custody since one year. Charge-sheet is also filed in the said case.

5. Considering the aforesaid and the affidavit tendered by the applicant today, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

**ORDER**

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two solvent sureties in the like amount;
- ii) The Applicant shall attend the Kherwadi Police Station, on the first Monday of every month, between 09:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) 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;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall not enter the jurisdiction of Versova Police Station, till the conclusion of the trial;

- vi) The Applicant shall co-operate in the conduct of the trial;
- 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) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. 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.

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

**REVATI MOHITE DERE, J.**