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

CRIMINAL BAIL APPLICATION NO.1469 OF 2019

Anilkumar Dilraj Sharma

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.P.K.Singhal, for the Applicant.

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

PSI – Sharad Nimle, M.I.D.C. Police Station, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 25th 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.147 of 2019 registered with the M.I.D.C. Police Station, for the alleged offences punishable under Section 354 of the Indian Penal Code and under Section 8 of Protection of Children from Sexual Offences Act.

3. Learned APP has produced a sealed envelope. The sealed envelope is opened. In the sealed envelope, there is a 164 statement of the victim girl as well as a pen drive. A perusal of the 164 statement shows that the victim girl has not made any allegations as against the applicant. The 164 statement alongwith the pen drive is again kept in the envelope and re-sealed and the same is handed over to the Investigating Officer, who in turn to hand over the same to the 11th Court, Dindoshi Sessions Court, Mumbai.

4. Perused the papers. According to the complainant (mother of the victim girl, aged 3 years and 9 months), her daughter would always go to the house of one Shalu, sister of her husband – Ajaykumar. She has stated that her daughter would go to play at her house, two or three times in a day. She has alleged that on 1st April, 2019, at about 1.30 a.m., her daughter asked her to apply oil on her private part as there was itching. She has stated that when she asked her, what happened, her daughter stated that the uncle (applicant) had put his hand in her private part, pursuant to which, the aforesaid complaint was lodged. Although the victim girl in her statement recorded under Section 161 of the Code of Criminal Procedure stated that the applicant had touched her private part, in the history given to

the doctor, the girl has not disclosed anything, but the history was narrated by the father. The applicant is in custody since April, 2019. Investigation is complete and charge-sheet is filed.

5. Considering the aforesaid, 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.10,000/- with one or more sureties in the like amount;
- ii) 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., for a period of 12 months from the date of his release;
- iii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, victim girl, witnesses or any person concerned with the case;

iv) 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.

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.