

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

ANTICIPATORY BAIL APPLICATION NO.1108 OF 2019

Suraj @ Dadya @ Khatri Dnyaneshwar Gaikwad .. Applicant
Versus
The State of Maharashtra Respondent

- Mr. Sachin H. Deokar for Applicant.
- Mr. Prashant Jadhav, APP for the State/Respondent.
- Mr. Sonawane, P.C. B.No.2421, Vadgaon, Maval P.stn. is present.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th JUNE, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No. I 169 of 2019 registered with Vadgaon Maval Police Station, Pune, under section 354-D of the Indian Penal Code and S.12 of The Protection of Children from Sexual Offences Act, 2012. The FIR is lodged by one Sanika Dhore who was aged 15 years. She has mentioned in her FIR that the applicant used to follow her when she used to travel to school and come back. The applicant used to follow her on his motorcycle. The FIR shows that the applicant was trying to establish contact with the first informant.

Beyond that no major overt act is attributed to the present applicant.

2. This court (Coram: N. J. Jamadar, J.) vide order dated 15/05/2019 while granting relief had already observed that the offence U/s.354D of I.P.C. is bailable and the presumption contained in Section 29 of the POCSO is not attracted in the case of offence punishable U/s.21 of the POCSO. It was also observed that there was no allegation that the applicant had subjected the victim to any unwanted sexual advances or assault. In this view of the matter, interim order was granted in favour of the applicant. Considering this interim order and considering the FIR in which no serious specific role is attributed to the present applicant, the applicant can be granted protection of anticipatory bail on the condition that he shall not enter the vicinity of the village Vadgaon, Tal. Maval.

3. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.I 169 of 2019 registered with Vadgaon Maval

Police Station, Pune, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) The applicant shall not enter the village Vadgaon, Tal. Maval, Dist. Pune till conclusion of the trial.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)