

Anand

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

BAIL APPLICATION NO. 1512 OF 2019

Rupesh Surendra Shetty .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Anjali Patil, Advocate, for the Applicant
Mr. P. H. Gaikwad-Patil, APP, for the Respondent – State
Mr. Jitendra Patil, PSI, Andheri Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 16.09.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 51 of 2019 registered with the Andheri Police Station, Mumbai, for the alleged offences punishable under Sections 354(A)(1) & 354(D) of the Indian Penal Code; under Sections 8 & 12 of the Protection of Children from Sexual Offences Act and under Section 67(A) of the Information Technology Act.

3. Perused the papers. According to the Complainant / victim girl, aged 14 years, the Applicant was residing in the same society, where she was residing. She has stated that the Applicant was an old resident of the society and as a social worker was organizing Ganesh

festival. She has alleged that all the children in the society would call him “uncle”. She has stated that the Applicant would touch her on her head which she did not like and as such, would ignore the same. She has further alleged that the Applicant would send indecent messages from his mobile to her. She has stated that her father read the indecent messages and questioned the Applicant, pursuant to which, he tendered an apology. She has further stated that thereafter, the Applicant did not repeat the same for a month, however, later, he would keep a watch on her, when she returned from School. She has further stated that the Applicant had even followed her on one occasion, pursuant to which, she lodged the aforesaid complaint.

4. Learned counsel for the Applicant has tendered an Affidavit of the Applicant. The same is taken on record and marked as “X” for identification. In the said Affidavit, the Applicant has undertaken not to contact the Complainant / victim girl or her family in any manner or pressurize or tamper with the witnesses. He has also undertaken not to enter the jurisdiction / area where the victim girl resides till the conclusion of the trial. The Applicant is in custody since 01.02.2019. Investigation is complete and charge-sheet is filed.

5. Considering the aforesaid and in particular, the Affidavit tendered by the Applicant, 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. 20,000/-** with one or two local 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.** till the conclusion of the trial;
- (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 not enter the jurisdiction of the Andheri Police Station, Mumbai, except for the purpose of attending the police station;
- (v) 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;
- (vi) The Applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. 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.)