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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1682 OF 2019

Karan Anil Atalkar	]	Applicant
Versus		
The State of Maharashtra	]	Respondent

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Mr. Viresh V. Purwant, for the Applicant.

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

Shital Harshad Chougule – A.P.I, Kasarvadavali Police Station.

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CORAM : REVATI MOHITE DERE, J.

DATE : 10th OCTOBER, 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. I-316 of 2018 registered with the Kasarwadavali Police Station, Thane, for the alleged offences punishable under Sections 376 and 506 of the Indian Penal Code and under Sections 3, 4 and 12 of Protection of Children from Sexual Offences Act.

3. Perused the papers. According to the complainant (mother of the victim girl) her daughter aged 5 years had gone to play in the society at about 5.00 p.m. It is alleged that at 5.20 p.m, her daughter came back in the frightened condition and closed the door. It is alleged by the complainant that when she asked her daughter what had happened, she disclosed that when she was playing with her friend, her friend started teasing her and hence, she went to the Gym, where the applicant was working as Gym trainer. It is alleged by the complainant that her daughter disclosed her that the applicant touched her private part inappropriately and thereafter tried to put his finger in her private part. Pursuant thereto, the aforesaid complaint was lodged.

4. A perusal of the statement of the victim girl who is 5 years old shows that she had gone to the Gym as her friend was teasing her. She has stated that when she entered the Gym, the applicant asked her to go out of Gym as small children were not allowed in the Gym. She has further stated that after pulling her out of the Gym, the applicant touched her private part inappropriately with his finger.

5. A perusal of the medical certificate does not show any injuries. The certificates says no tenderness or redness on the private part of the

victim girl. The applicant is in the custody since 10th December, 2018. Investigation is complete and the charge-sheet is filed.

6. 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.15,000/- with one or two local sureties in the like amount;
- ii) 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;
- iii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, 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;

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

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.

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

[REVATI MOHITE DERE, J.]