

Shailaja

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

CRIMINAL BAIL APPLICATION NO.1741 OF 2019

Babu Virendra Das	]	Applicant
Versus		
The State of Maharashtra	]	Respondent

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Mr. A. Topiwala i/b Ms. Anjali Patil, for the Applicant.

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

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CORAM : REVATI MOHITE DERE, J.

DATE : 1st OCTOBER, 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. 427 of 2018 registered with the Versova Police Station, Mumbai, for the alleged offences punishable under Sections 354, 509 of the Indian Penal Code and sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Perused the papers. According to the victim girl, aged 13 years, the incident took place on 15th November, 2018. She has stated that at about 2.30 p.m, when she had gone to the applicant's home to drop the applicant's children, the applicant called her home, looked at her inappropriately and touched her chest, back and legs.

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 not to contact the victim girl and not to reside in the area/jurisdiction where the victim girl resides.

5. The applicant is in the custody since 28th November, 2018. Investigation is complete and the charge-sheet is filed. The applicant has no antecedents.

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/- each with one or two local sureties in the like amount;

- ii) The Applicant shall report to the concerned Police Station on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The applicant shall not enter into the jurisdiction of Versova Police station except for the purpose of attending the Police Station, until further orders;
- iv) 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;
- v) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall co-operate in the conduct of the trial;
- vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the

conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

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.]