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

CRIMINAL BAIL APPLICATION NO.1964 OF 2019

Yusuf Jan Mohd. Patanwala	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.G.D.Padohilal, for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 5th SEPTEMBER, 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.134 of 2019 registered with the Chembur Police Station, Mumbai, for the alleged offence punishable under Section 354(i)(iii) of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act.
3. Learned Counsel for the Applicant states that the applicant will co-operate in the conduct of the trial and will not seek un-necessary

adjournments.

4. Perused the papers. According to the prosecution, the applicant called a minor victim girl and a boy, aged 10 years to his Saw Mill and showed them pornography videos. It is further alleged that the applicant asked the victim girl to perform the same, on payment of money. It is alleged that both the victims ran away and disclosed the incident to the complainant, pursuant to which, the aforesaid complaint was lodged.

5. The 164 statement of both the victim girl and victim boy were recorded. Although the victim girl has supported the prosecution case, the victim boy has feigned ignorance. Ultimately, the maximum sentence that can be imposed on the applicant is three years. Learned Counsel for the applicant has tendered an affidavit-cum-undertaking of the applicant. The same is taken on record and marked 'X' for identification. In the said affidavit-cum-undertaking, the applicant has undertaken, that he will not enter the vicinity where the victim girl resides. The applicant has also undertaken that he will not indulge in similar offences in future and that he will not tamper with the prosecution witnesses. The applicant has no antecedents and investigation is complete and charge-sheet is filed.

6. Having regard to what is stated herein-above, 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.25,000/- with one or two local 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., till the conclusion of the trial;
- iii) 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;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall not enter the jurisdiction of Chembur Police Station, Mumbai, till the conclusion of the trial, except for the purpose of attending the police station as per clause (ii);

vi) The Applicant shall not commit similar offence;

vii) 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;

viii) An undertaking to the aforesaid clauses (ii) to (vii), shall be filed by the Applicant/s, in the Registry of the trial Court, within two weeks of his release;

ix) 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.