

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2460 OF 2019

Vijay Narayan Patgar	Applicant
Vs.	
The State of Maharashtra	Respondent

Ms.Minal Chandnani i/b. Mr. Monty Teckchandani for the Applicant.
Mr. Ajay Patil, APP for the respondent-State.
API A.T. Wagh, Kapurbawadi Police Station, Thane present.
IO WPSI A. B. Jadhav present.

CORAM : SANDEEP K. SHINDE J.

DATE : December 9, 2019

P.C. :

1. Heard.

2. The applicant is seeking enlargement on bail in Special Case No.341/2018 arising from Crime No. I-75/2018 registered with Kapurbawadi Police Station, Thane for the alleged offences punishable under Sections 376, 506 of Indian Penal Code read with Sections 4 and 8 of the Protection of Children from Sexual Offences (POCSO) Act 2012.

3. The victim is 16 years old. The applicant is her maternal uncle. He is 55 years old and he is resident of Ahmednagar.

4. On 8th May 2018, father reported his minor daughter was kidnapped by an unknown persons, whereupon the offence came to be registered under Section 363 of the Indian Penal Code. Whereabouts of the victim were traced. In the course of inquiry, the victim disclosed that in August 2017, the applicant, her maternal uncle sexually assaulted her. In view of this disclosure of fact, the subject offence came to be registered. The medical reports suggests “evidence of sexual intercourse / assault” cannot be ruled out.

5. The applicant is in custody since 8th October 2018. He is 55 years old person and resident of Ahmednagar. The victim disclosed the alleged sexual assault almost after a year, when her father reported the victim was kidnapped by an unknown person. The victim was student, and thus, had enough space “to disclose” the incident to the father or some one close to her. In view of the peculiar facts of the case, and keeping in mind the age and relationship of the applicant with the victim, the application is allowed. The applicant is directed to be released on bail on the following conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned local Police Station at Ahmednagar on the first Monday of every month between 10.00 am to 11.00 am, till the charge is framed;
- (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 Investigating Officer of the concerned Police Station;
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

6. The Bail Application 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.

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

Vina A.
Khadpe

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Vina A.
Khadpe
Date:
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(SANDEEP K. SHINDE, J.)