

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

CRIMINAL BAIL APPLICATION NO. 2545 OF 2019

Sunil Sitaram Patil

..Applicant

V/s.

The State of Maharashtra

.. Respondent

Mr.Arun K. Rajput for the Applicant.

Mrs.Sharmila Kaushik, APP for the Respondent-State.

Mr.Kamble, API, Wadala Police Station is present.

CORAM : SANDEEP K. SHINDE, J.

DATE : 22nd NOVEMBER 2019

P.C.

1. Heard learned counsel for the applicant and learned APP for the State and the Investigating Officer who is present.

2. The applicant is seeking his release on bail in Crime No.16 of 2019 registered with Wadala Police Station for the alleged offences punishable under Section 376D of Indian Penal Code (Gang Rape) and Sections 4,6,8 and 12 of Protection of Children from Sexual Offences Act, 2012 ('POSCO' for short).

3. There are two accused in the Crime. Co-accused Suresh

Sarang died in the jail. On 31st January 2019 a victim aged 13 years told her mother that co-accused Suresh Sarang sexually assaulted her in the public toilet. Co-accused was arrested on the 2nd February 2019. Victim in her statement disclosed, this applicant was sexually exploiting her since a year before the incident. On this expression, the present applicant also came to be arrested on 1st February 2019.

3. The learned counsel for the applicant submits except the statement of victim alleging the sexual assault by the applicant and that too; since a year before the alleged incident, there is no any other evidence to show his complicity in the subject crime. He therefore, seeks his release on bail.

4. Learned APP submits, there is no reason to disbelieve the statement of victim. The applicant is 51 years old and the friend of victims father. Learned APP also submits, the accusations are grave in nature.

5. The investigation in the crime is over and the chargesheet is filed. The accusation against the applicant relates to a period since January 2018, but were disclosed on 31st January 2019. Except victims statement no other incriminative material/evidence is

brought to my notice, to show the applicants complicity in the subject crime.

6. In view thereof, the application is granted. Hence, following order:-

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 not enter into the jurisdiction of Wadala Police Station and undertakes to stay at Badlapur, District-Thane;
- (iii) The applicant is directed to furnish address of Badlapur and mobile contact number to the Investigating Officer within 7 days from his release from the jail;
- (iv) The applicant shall report to the Badlapur Police Station on Monday of First week of every month between 10.00 to 1.00 p.m. and continue to report till further orders.
- (v) The applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any other person concerned with the case;

7. The application is accordingly disposed of.

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.

(SANDEEP K. SHINDE, J.)