

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 2427 OF 2018**

Anil Nathuram Kubde

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Vinod Kashid for the Applicant.

Smt. J.S. Lohokare, APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 18th MARCH, 2019.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 273 of 2018 dated 19th May, 2018 registered with Bandra Police Station, Mumbai under Sections 354 and 376 of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act).

2 The prosecutrix was aged about 6 years on the date of lodgment of the crime and with a view to protect her identity and in consonance with the provisions of Section 228(A) of the Indian Penal Code and Section 33(7) of the POCSO Act, the detailed narration of facts mentioned in the first information report and in the statement of

the prosecutrix are hereby avoided.

3 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge sheet.

4 The first information report is lodged by the mother of the prosecutrix. The statement of prosecutrix and the mother of prosecutrix indicates that, the act alleged to have been committed by the Applicant falls within the purview of amended provisions of Section 375, thereby attracting Section 376 of the Indian Penal Code and Section 4 of the POCSO Act therefore, has also been applied to the present crime.

In the present crime, the Applicant has been arrested on 19th May, 2018 and after completion of investigation, police have submitted charge sheet. It is submitted that, there are no antecedents at the discredit of the Applicant.

5 After taking into consideration the allegations made against the Applicant as has been mentioned by the prosecutrix, this Court is of the view that, further incarceration of the Applicant in jail is not necessary and the Applicant can be released on bail by imposing strict conditions.

Hence following order.

- a) The Applicant shall be released on bail in CR No. 273 of 2018 dated 19th May, 2018 registered with Bandra Police Station, Mumbai on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- b) Before his release from jail, the Applicant shall furnish his prospective residential address to the Bandra Police Station.
- c) After his release from Jail, the Applicant shall not enter the jurisdiction of Bandra police station and shall keep himself away from it.
- d) After his release from Jail, the Applicant shall not contact the first informant, prosecutrix and any other witnesses in the present crime.
- e) The Applicant shall attend each and every date before the Trial Court unless precluded on medical reasons.
- f) Any two consecutive defaults in complying with the

afore-stated conditions will attract the provisions of
cancellation of bail.

- g) The Applicant shall not tamper with the evidence
and/or pressurize the prosecution witnesses.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)