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

CRIMINAL BAIL APPLICATION NO.3201 OF 2018

Vishwanath Vicky Choudhary @ Babu Bhagat ...Applicant

Versus

State of Maharashtra ...Respondent

Mr.L.M.Shukla a/w Mr.Pradip Rajput, i/b Mr.Shaikh Abdul Kalam, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th JULY, 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.351 of 2018 registered with the Kurar Police Station, Mumbai, for the alleged offences punishable under Sections 354, 354(A), 354(D), 323, 427 and 506 of the Indian Penal Code and under Sections 8 and 12 of Protection of Children from Sexual Offences Act.

3. Perused the papers. According to the victim girl, aged 15 years, the applicant, aged 20 years was stalking her. The victim girl has alleged that the applicant would follow her, harass her and on a couple of occasions asked her to have physical relations with him and in the event she does not have physical relations with him, the applicant threatened to set her house on fire and kill her parents and brother. She has alleged that the applicant had once even assaulted her. She has also alleged that on one occasion, when her clothes were drying outside, the applicant had torn her clothes. It appears that the applicant is the neighbour of the victim girl.

4. Learned Counsel for the applicant submits that the applicant is aged 20 years and has no antecedents. He submitted that ultimately the offence is punishable for a maximum of five years and that the applicant is in custody for the last one year. Learned Counsel for the Applicant has filed an affidavit of the applicant wherein the applicant has given an undertaking that he will not visit/reside in the same locality where the victim, her family members and prosecution witnesses reside, till the conclusion of the trial. The applicant has also undertaken that he will not make any attempt to meet or call the victim in any manner or attempt to tamper with the prosecution

witnesses and that he will not threaten the victim, her family members and the prosecution witnesses in any manner. The applicant's parents have also filed their respective affidavits, which are annexed from page nos.48 to 53 to the application. The applicant's parents have also undertaken to shift the applicant outside the jurisdiction of Kurar Police Station.

5. Having regard to what is stated aforesaid and in particular the undertaking of the applicant, 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.10,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on every alternate Saturday between 10:00 a.m. to 11:00 a.m., initially for a period of 12 months and thereafter 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 enter the jurisdiction of Kurar Police Station, Mumbai, till the conclusion of the trial, except for the purpose of attending the police station as per clause (ii). The Applicant's parents to accompany the applicant whilst attending the Kurar Police Station;

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

viii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.