

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

CRIMINAL APPEAL NO. 436 OF 2021

Girish Suresh Bangar ...Appellant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Siddesh Samel for the Appellant

Mr. A. D. Kamkhedkar, A.P.P for the Respondent No.1–State

Ms. Dhanlaxmi Iyer, Appointed Advocate for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 4th AUGUST 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this appeal, the appellant seeks his enlargement on bail in connection with C.R. No. 16/2021 registered with the Vikramgad Police Station, Palghar, for the alleged offences punishable under Sections 354, 452, 506 of of the Indian Penal Code; under Section 8 of the Protection of Children from Sexual Offences Act and under Sections 3(1)(W)(I), 3(1)(W) (ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (`SC ST Act').

3 Learned counsel for the appellant submits that the allegations as against the appellant are false and baseless. He submits that the CDR records will show that even the victim girl had made calls to the appellant. He further submits that the allegations of derogatory casteist abuses are not made in public view and therefore the provisions of the SC ST Act will not apply. Even otherwise, he submits that charge-sheet has been filed in the said case and as such, further detention of the appellant is not warranted.

4 Learned counsel for the respondent No.2 opposes the appeal. She submits that there was no reason for the respondent No. 2 to falsely implicate the appellant. She submits that the possibility of the appellant again harassing the respondent No. 2's daughter, cannot be ruled out.

5 Perused the papers. According to the first informant i.e. respondent No. 2, she was working in the agricultural farms for her livelihood. She has stated that the appellant was working as a Rozgar Sevak in Group Gram Panchayat at Village Maale and that he would regularly visit the Village i.e. Kashivali, where she resides with her family. She has further alleged that the appellant used to visit her house for obtaining document for Gharkul Scheme. According to the first informant,

the incident took place on 11th February 2021, when her daughter and her daughter's friend were at home and they were studying. The first informant has stated that she returned home from work at 7:00 p.m, she found her daughter in a state of fear and on inquiry, learnt that the appellant had called her on her mobile and asked her whether any one was at home and when she replied in the negative, the appellant visited their house at about 6:00 p.m on the pretext of talking something important. It is alleged that the appellant asked the victim girl's friend to leave the house, after which, the appellant forcefully hugged the girl, kissed her and touched her inappropriately. Pursuant to the said disclosure, the aforesaid FIR was lodged.

6 The appellant is in custody since 11th February 2021. Investigation is complete and charge-sheet is filed. As far as the apprehension of the learned counsel for the respondent No.2 that the possibility of appellant again harassing the respondent No. 2 and her family members cannot be ruled out, the same can be well taken care of by imposing appropriate conditions. The prospect of the trial commencing in the immediate near future also appears to be bleak. The appellant has no antecedents.

7 Accordingly, the appeal is allowed on the following terms and conditions :

ORDER

- (i) The appellant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The appellant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;
- (iii) The appellant shall not enter the jurisdiction of Village Kashivali, till the conclusion of the trial;
- (iv) The appellant shall not attempt to influence or contact the complainant or any members of her family or any person concerned with the case;
- (v) The appellant 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The appellant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vii) The appellant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks of his release;

(viii) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the appellant's bail.

8 The appeal is disposed of in the aforesaid terms.

9 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.

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

REVATI MOHITE DERE, J.