

GRM

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

CRIMINAL BAIL APPLICATION NO. 2543 OF 2022

SAMEER SHABBIR KACHHI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Ashutosh Gole, Adv. for the applicant.

Mr. S. V. Gavand, APP for the Respondent-State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 2022.

P.C. :

1. Heard learned Counsel for the applicant.
2. This is an application for bail in respect of the offence punishable under Sections 354, 354-A, 354-D, 323, 504 & 507 read with 34 of the Indian Penal Code, 1860 and under Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 67 & 67(B) of the Information Technology Act, 2008 registered vide C. R. No. 4 of 2022 with Kashimira Police Station. The date of FIR is 05/01/2022.
3. It is alleged by the victim, who at the relevant time was 17 years, that she was attending tuition classes. The

applicant was 2 years senior to her and also attending the classes. The victim alleges that the applicant was proposing her for a relationship, which she flatly refused. On one occasion i.e. on 25/12/2021, the applicant visited the victim's home and misbehaved with her. The applicant held her hand and tried to come close to her. The victim's father tried to handle the situation by asking the applicant to keep away from the victim. It is also alleged that obscene photographs of victim were uploaded on Instagram by the applicant by writing derogatory and abusive message on it, which has outraged her modesty.

4. The applicant was arrested on 28/01/2022. The applicant at the relevant time was 19 years of age.

5. The victim is personally present in the Court today along with her father. She is now major. The victim as well as her father have taken a stand that considering that the applicant is in custody for 10 months, they are not objecting for release of the applicant on bail. It is submitted by them that in the course of trial, the victim would be examined, whereupon the applicant could be suitably punished if found guilty. This reasonable approach of the victim and her father

is worthy of appreciation.

6. Considering that the applicant is in custody for more than 10 months, his age and now that the charge-sheet has been filed; considering the stand taken by the victim, the applicant can be released on bail subject to imposing some stringent conditions. No criminal antecedents are reported. Hence, I pass the following order :-

ORDER

- (a) Criminal Bail Application No. 2543 of 2022 is allowed.
- (b) The applicant-SAMEER SHABBIR KACHHI shall be released on bail in connection with C.R. No. 4 of 2022 registered with Kashimira Police Station on his furnishing P.R. Bond of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or more sureties in the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (d) The applicant shall report to the Investigating Officer of the nearest police station where he proposes to reside, once in a month, on every first Monday of the month between 10.00 a.m. & 1.00 p.m.

- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) The applicant shall not enter into the area of Thane District till the trial is over. If it is found that the applicant, in any manner, is trying to contact with the victim or harassing her, the same will be viewed very seriously and he be well aware of the consequences, which may end up in cancellation of bail granted.
- (g) Application is disposed of.

(M. S. KARNIK, J.)