

MHCC050020452018



**IN THE COURT OF SPECIAL JUDGE UNDER THE PROTECTION  
OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 BORIVALI  
DIVISION, DINDOSHI, MUMBAI.**

**BAIL APPLICATION EXHIBIT – 15  
IN  
SESSIONS CASE No.149 OF 2018  
(CNR NO.: MHCC050020452018)**

**Mukeshkumar Sahadev Singh**

**...Applicant/Accused**

**V/s.**

**The State of Maharashtra,  
(At the instance of **Malvani****

**Police Station vide C.R.No.799/2017) ...Respondent/State.**

**Appearance:-**

Ld. Advocate Sufiyan for the Applicant/accused.

Shri. Ambekar, APP for the State/respondent.

**CORAM : HER HONOUR THE SPECIAL JUDGE  
SMT.S.M.TAKALIKAR, (C.R.NO.12)**

**DATE : 20.02.2024**

**ORDER**

Present application is filed by the accused/applicant for release on regular bail under Section 439 of Code of Criminal Procedure in connection with C.R.No.799 of 2018 registered at Malvani Police

Station for offences punishable under Sections 376, 417 of Indian Penal Code.

2. It is stated that the accused has been produced before this court in execution of NBW and he has been taken in jail custody. The accused was not aware about next date and was out of station for his work. Therefore, he was unable to appear before the court. The accused prayed that one last chance be given. He would undertake to remain present on the date fixed by the court. He would obey all the terms and conditions that will be imposed on him. Hence, the present application.

3. Prosecution has filed say stating that the accused remained absent. Hence, he has strong objection for release of the accused on bail.

4. Complainant on 16.01.2024 when produced before this court orally submitted that she has no objection to grant bail.

5. Ld. Adv for the accused in his argument submitted that the accused would obey all the terms and conditions that will be imposed on him. The matter is settled between the parties. He is ready to conduct the trial. Hence, prayed that application be allowed.

6. Ld. APP submitted that the matter is old. There is possibility of absconding. Hence, prayed that application be rejected.

7. Perused application, say filed. It appears that the accused was released on bail. Thereafter, on some dates he remained absent

and on some dates he remained absent. Whenever complainant remained present for evidence accused used to remain absent. Therefore, NBW was issued and he has been brought before the court in execution of NBW. The charge has been framed, matter is for evidence. The accused has undertaken to remain present before the court.

8. Further the complainant has given no objection. Ld. Adv for the accused submitted that matter is settled between the parties. Considering fact that the accused was already released on bail but due to his absence NBW was issued and complainant has no objection. Matter is settled between the parties, in my opinion no purpose would be served by keeping the accused in jail. Hence, accused has made out just and proper ground to release him on bail. Therefore, his application deserves to be allowed and I pass following order :

**:ORDER:**

- 1 Bail Application (Exh.15) is hereby allowed.
2. Applicant/accused, **Mukeshkumar Sahadev Singh**, is enlarged on bail on his executing PR bond of Rs.30,000/- (Rupees Thirty Thousand only) with one or two solvent sureties in like amount in C.R. No.799 of 2017 registered at **Malvani** Police Station for offences punishable under Section 376, 417 of the Indian Penal Code, subject to following conditions;
  - a. He shall attend the court regularly without fail.
  - b. He shall not leave India without permission of the Court till completion of trial.
  - c. He shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case. He shall not threaten, pressurize in any way.
  - d. He shall furnish his mobile number to the investigation officer

and shall not change or discontinue his mobile number provided to the investigation officer till conclusion of trial.

e. He shall not commit any offence again and maintain the peace in society.

f. On violation of any above conditions, bail shall stand cancelled without intimation.

3. Bail Application (Exh.15) stands disposed of accordingly.

Sd/-

Date : 20.02.2024

(S. M. TAKALIKAR)  
Special Judge, under the POCSO Act  
Borivali (Div), Dindoshi,  
Goregaon, Mumbai.

Dictated on : 20.02.2024  
Transcribed on : 21.02.2024  
Checked on : 26.02.2024  
Date of sign : 26.02.2024

**CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”**

27.02.2024, 4.10 p.m.

UPLOAD DATE AND TIME

Ms. R. A. Monde

NAME OF STENOGRAPHER

|                                         |                                                                                                |
|-----------------------------------------|------------------------------------------------------------------------------------------------|
| Name of the Judge (with Court Room No.) | HHJ Smt. S. M. TAKALIKAR ,(C.R.No.12)<br>Addl. Judge.,City Civil & Sessions Court,<br>Dindoshi |
| Date of pronouncement of /Order         | 20.02.2024                                                                                     |
| Order signed by P.O. on                 | 27.02.2024                                                                                     |
| order uploaded on                       | 27.02.2024                                                                                     |