

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.194 OF 2015

Jay Paresh Bhatt	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. Khan Fakruddin, Advocate for the Applicant
Mrs. G.P. Mulekar, APP for the State.

CORAM : P.D. KODE, J.

DATE : JANUARY 30, 2015

P.C.

. Heard.

2. The applicant arrested by Nalasopara police station on 19-01-2015 in connection with C.R. No.I-47 of 2015 for the offences punishable under Section 354 of Indian Penal Code and Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012 and since then he is in custody, has prayed for bail.

3. The offence in question was registered upon the F.I.R. lodged by the victim girl on 19-01-2015 regarding the incident which had occurred on the same day at 8.30 to 9.00 p.m. The allegations in the F.I.R. reveals that the applicant has attempted to hold the arms of the victim girl and attempted to kiss her.

4. The learned counsel for the applicant has submitted that considering the provision of Section 7 of POSCO Act it is difficult to accept that the same would be applicable in the instant case. It is submitted that at the most the offence occurred at the hands of the applicant due to committing such adventurous act would not transcend beyond the offence under Section 511 read with 354 of Indian Penal Code. It is submitted that the applicant being remanded to judicial custody since 20-01-2015, his prayer for bail may be considered having due regard to his young age and the fact that he is

not transcended beyond the committing of act as alleged.

5. Having due regard to the age of the applicant, the nature of the act committed by him, the papers of investigation not revealing that the applicant has committed any further act than the acts mentioned in the F.I.R. and the offence allegedly occurred at his hands being not punishable for imprisonment for life, the prayer for bail deserves consideration by imposing certain strict conditions for safety of the victim girl.

6. Resultantly, the application is allowed.

7. The applicant is hereby directed to be released on bail upon furnishing a P.R. Bond in sum of Rs. 30,000/- (Thirty Thousand) with one or two sureties to make up like amount subject to the conditions that the applicant after his release

shall not enter the area of Nalasopara, shall inform his place of abode to the investigating officer and shall not change the same without permission of the trial Court, shall not indulge in any activity of coming in the vicinity of the victim girl or her parents or any other prosecution witnesses and shall not misuse the bail granted by this order for fleeing away or for any other oblique purpose.

Application stands disposed of.

(P.D. KODE, J.)