

Anand

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

CRIMINAL APPLICATION NO.1961 OF 2015

Rozairo Martin Alphonso .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.S.Maurya, Advocate, for the Applicant
Mrs.S.D.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.10.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant seeks his enlargement on bail in connection with SPL.LAC.C.R.No.217 of 2015 registered with the MIDC Police Station, Mumbai, for the alleged offences punishable under Sections 8, 9(f) & 10 of the Protection of Children from Sexual Offences Act (For short 'POCSO' Act).

3. The complainant is the mother of a six year old boy, who was studying in the 1st Std in Saint Xavier School, Poonam Nagar, Andheri(E), Mumbai. According to the complainant, her minor son aged six years informed her that on 31.08.2015 when he had visited the bathroom for urination, the present applicant came to the bathroom and touched his chest and also touched his private part.

4. Learned counsel for the applicant states that the allegations against the applicant are false. He states that the applicant has been a Principal of the said School and has had an unblemished record. He states that the applicant has been suspended from the School, pursuant to the registration of the offence against him.

5. Learned APP opposed the bail application. She has tendered a copy of the statement of the boy aged six years.

6. Perused the papers including the statement of the victim boy. According to the victim boy, the present applicant touched his chest and his private part, when he had gone for urination. The applicant has been in custody since his arrest i.e. from 10.09.2015. It is also informed that the applicant has been suspended from the said School and therefore, the possibility of the applicant intimidating/ contacting the victim boy will not arise. Hence, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the MIDC Police Station, Mumbai on every Saturday between 10:00 a.m. to 11:00 a.m. till the filing of the charge-sheet and thereafter, on the 1st Saturday of every month for a period of 12 months from the filing of the charge-sheet;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be

at liberty to seek cancellation of the applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. 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.

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

(REVATI MOHITE DERE, J.)