

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1346 OF 2015
IN
CRIMINAL APPEAL NO.1044 of 2015

SURYANATH RAMDULAR SINGH ...Applicant.

V/S

THE STATE OF MAHARASHTRA ...Respondent.

....

Mr. D.H. Kumtekar, Advocate for the Applicant.

Mr. A.R. Patil, APP, for the State.

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CORAM : A. R. JOSHI, J.

DATE : 24th NOVEMBER, 2015

P.C.

1. Heard rival submissions on this application for bail during pendency of appeal. The applicant is convicted for the offence punishable under Section 8 of Protection of Children From Sexual Offences Act and sentenced to suffer RI for three years and to pay fine of Rs.2000/-, in default to suffer SI for 15 days. Allegations against the applicant are that sometime in the mid of June, 2014 when the prosecutrix girl, then aged about 15

years, had visited his floor mill he misbehaved with her by touching her breasts and tried to outrage her modesty. Allegations are also that four months prior to this incident, he tried to touch the hands of the girl but this incident of four months prior was not informed by the girl to anybody.

2. The defence of the applicant/accused is that some amount of Rs.50,000/- was given as advance to the father of the prosecutrix girl for getting the floor mill repaired. Meson work was required to be done to the floor mill. Apparently father of the prosecutrix is a meson taking such contract work. The owner of the floor mill (PW-2) specifically mentioned that the applicant was working as a servant in the floor mill and he was asked by the owner to get the repair work done. Again substantive evidence of owner of the floor mill show that the father of the prosecutrix had demanded exorbitant amount of Rs.1,25,000/- for repair and when it was denied, he did not allow the floor mill to run in that area. Consequently some work was got done from the father of the prosecutrix on some payment.

3. Considering the above circumstances and still considering custody of the present applicant for offence alleged,

since June 2014, in the opinion of this Court the applicant can be released on bail during pendency of appeal as there is no immediate prospect for the appeal to come up for final hearing. Hence the order :

:: O R D E R ::

[i] Application for bail is allowed.

[ii] Applicant shall be released on bail in the sum of Rs.15,000/- [Rupees Fifteen Thousand Only] with one or two sureties for the like amount. Bail procedure to be taken before the trial Court.

[iii] Criminal Application is disposed of accordingly.

(A. R. JOSHI, J.)

Deshmane (PS)