

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 867 OF 2016

Charudatta Ravindra Borole] ... Applicant

Versus

The State of Maharashtra.] ... Respondent

Ms Ashwini Sawant i/by A.S.Mishra for the applicant.
Smt. N. S. Jain, APP for the State.

CORAM :- N. W. SAMBRE, J.
DATE :- DECEMBER 23, 2016

P. C. :-

1) The applicant is claiming regular bail in C.R.NO. 49 of 2016 registered with Sion Police Station, Mumbai for the offence under sections 354A and 509 of the IPC read with section 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2002 (“the POCSO Act” for short).

2) Heard Ms Ashwini Sawant, learned counsel for the applicant. While trying to make out a case for grant of bail, she would urge that the applicant is entitled to be released on bail as the

investigation in the matter is already over and the charge-sheet is filed. According to her, there are no criminal antecedents and the applicant is very much available for the investigation.

3) According to her, offence under section 354A of the IPC is bailable one; whereas, the offence under the Protection of Children from Sexual Offences Act is concerned, the applicant is very much available for the prosecution and since the applicant is already suspended from the services, there is no question of tampering or entering the premises where the incident has occurred.

4) The learned APP opposed the application on the ground of the gravity of the offence spelt out. She would submit that the offence under the POCSO Act is required to be viewed seriously.

5) No doubt, the applicant is already suspended from the services and the investigation in the matter is already complete. This Court in the said background has to take note of the fact that offence under section 354A of IPC is bailable one.

6) So far as the offence under the POCSO Act is concerned, already the investigation is complete. The statement of the victim is already recorded. Looking to the age of the applicant, it will be appropriate in my opinion to allow the application. Hence, the following order:

- (i) The applicant in C.R.NO. 49 of 2016 registered with Sion Police Station, Mumbai for the offence under sections 354A and 509 of the IPC read with section 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2002 shall be released on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Two consecutive defaults before the learned Court below, undoubtedly the said Court to take out proceedings for cancellation of the bail.
- (iii) The applicant shall not tamper with the prosecution evidence and / or influence the prosecution witnesses.

(N. W. SAMBRE, J.)