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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1822 OF 2016

Kalu Giridharmohan Chauhan

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Datta Mane for Applicant.

Ms. R.M. Gadhvi, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 29th September 2016.

P.C.

1 This is an application under Section 439 of Cr. P.C. for bail in CR No.126 of 2015 registered with Kurar Police Station, Mumbai dated 10.5.2015 under Section 354(b) of the Indian Penal Code and under Sections 8 and 12 of f Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2 The first information report is lodged by the mother of the victim girl. The victim girl was 8 years old on the date of incident. With a view to protect the identity of the victim girl and in consonance with the

provisions of Section 228(A) of the Indian Penal Code, the detailed narration of facts mentioned in the present application, the first information report and in the statements of the victim girl is hereby avoided. Suffice it to mention that on the basis of the first information report lodged by the mother of the victim girl, the present crime is registered against the applicant. During the course of investigation, the applicant came to be arrested on 10.5.2015. After completion of investigation, police have filed chargesheet.

3 Heard the learned counsel for the applicant, the learned APP and also perused the statements annexed to the application.

The learned counsel for the applicant submitted that after perusing the first information report and the statement of the victim girl recorded by the police, at the most the case would fall within the purview of Section 354(b) and may perhaps not attract the provisions of Sections 8 and 12 of POCSO Act. He submitted that the applicant was aged 20 years when he committed offence.

Prima facie, I find substance in the submissions made by the learned counsel for the applicant. The applicant is arrested on 10.5.2015 and since then he is in jail. No purpose will be served by further detaining the applicant in jail.

4 In view of the peculiar facts of the present case, the applicant has made out a case for his release on bail.

5 Hence, the following Order:

(i) The applicant be released on bail in CR No.126 of 2015 registered with Kurar Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or more local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Kurar Police Station, Mumbai on every Monday between 11.00 a.m. to 1.00 p.m. till conclusion of trial.

(iii) The applicant shall attend all dates before the Trial Court.

(iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

(v) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.

6 The Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)