

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

CRIMINAL BAIL APPLICATION NO.262 OF 2017

Deepraj @ Bunty Divakar Terse

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Anil Kamble for the applicant.

Smt. J. S. Lohokare, APP for the respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 07 JUNE 2017

P.C. :

1. The applicant is seeking regular bail in connection with C. R. No. I-293 of 2016 registered with Kalyan Taluka Police Station for the offences punishable under Section 377 of IPC and Section 3 & 6 of POCSO Act.

2. The prosecution case is that on 17 October, 2016, the complainant's son, aged about 8 years had gone out to play with his friend after returning from school. He returned home at about 1.00 pm. The victim informed the complainant that he had gone to house of Bunty Bhaiyya who was alone at home. Bunty Bhaiyya removed his pant and committed carnal intercourse. The FIR was lodged on the same day at about 23.15 hours. The applicant was arrested on the same day.

3. Learned advocate for the applicant submitted that the medical evidence does not corroborate the version of the complainant or the victim. He further submitted that the investigation is complete and the chargesheet is filed. He further submitted that the applicant is student and studying at Jalgaon. He further submitted that he will not reside in the vicinity where the victim resides. There are no criminal antecedents against the applicant.

4. Learned APP opposed the application for bail. He submitted that the applicant has committed a serious offence and taking into consideration the nature of offence committed by the applicant he is not entitled to be released on bail.

5. I have perused the FIR and other evidence on record. The medical certificate indicates that there were no external injuries and internal injuries. The applicant is in custody from 17 October, 2016. From the documents annexed to application it appears that the applicant is student. Investigation is completed and the chargesheet has been filed.

6. Hence I pass the following order;

:: ORDER ::

(i) The applicant is directed to be released on bail in connection with C. R. No. I-293 of 2016 registered with Kalyan Taluka Police Station on furnishing a P.R. Bond in the sum of

Rs.25,000/- (Rupees Twenty Five Thousand only.) with one or more sureties in the like amount.

(ii) The applicant will not stay in the vicinity where the victim is residing.

(iii) The applicant will not tamper with the evidences.

(iv) The applicant is directed to report to Kalyan Taluka Police Station every fortnight between 5.00 to 7.00 pm till further order.

(v) Application stands disposed off.

[PRAKASH D. NAIK, J.]