

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

CRIMINAL BAIL APPLICATION NO. 667 OF 2017

Mr. Chandramani Shripat Sharma ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Sachin Chandan I/b. Mr. Vidur Dhawan for the applicant.
Mr. R. M. Pethe, APP for the respondent – State.
Mr. Ashok Sudam Gaikwad, Police Inspector, V.P. Road, Mumbai.

CORAM : PRAKASH D. NAIK, J.

DATE : 07 JUNE 2017

P.C. :

1. The applicant is arrested in connection with C.R. No.264 of 2016 registered with V. P. Marg Police Station, Mumbai for the offences punishable under Sections 376, 506 of the IPC and under Sections 4, 8 & 10 of P.O.C.S.O. The applicant was arrested on 3 June, 2016. Since then he is in custody.

2. The prosecution case is that victim girl who is aged about 10 & 1/2 years was molested by the applicant / accused. She has referred to the attempt to commit sexual intercourse committed by the applicant / accused. She also referred to the other act of molestation. The statement of the victim was also recorded in the question and

answer form. Learned advocate for the applicant submits that the applicant has been falsely implicated in this crime on account of the fact that the complainant had reprimanded her as she was found in. He further submits that the applicant is aged about 70 years and there are no antecedents against him. He submitted that it is not the case of the complainant that there was a sexual intercourse.

3. Learned APP, Mr. Pethe submitted that the victim was a minor girl who was molested by the applicant / accused. He has referred to the overt act attributed to the applicant in her statement. He also submitted that the medical evidence supports the version of the complainant. He submitted that as per amended Section 375 the act committed by the applicant amounts to rape.

4. I have perused the First Information Report and the other documents on record. It is noted that there is contradiction in the complaint and the statement of the complainant which was recorded subsequently in question and answer form with regard to overt act committed by the applicant. The investigation is complete and the chargesheet has been filed.

5. Taking into consideration the aforesaid circumstances and the

fact that the applicant is 70 years old person, I am inclined to grant bail to the applicant.

6. Hence, I pass the following order:

:: ORDER ::

- (i) Applicant is directed to release on bail in connection with C.R. No. 264 of 2016 registered with V. P. Marg Police Station, Mumbai on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or more sureties from the State of Maharashtra in the like amount;
- (ii) The applicant is directed not to reside in the jurisdiction of V. P. Marg Police Station, Mumbai;
- (iii) The applicant is directed to furnish details with regards to his residential address to the Investigating Officer;
- (iv) This Bail Application stands disposed of accordingly.

[PRAKASH D. NAIK, J.]