

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.838 OF 2017

Sumit Ravindra Saarsar

Applicant

versus

State of Maharashtra

Respondent

Mr.Viral Rathod for Applicant.

Smt.J.S.Lohokare, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 05th June 2017

PC :

1. This is an application for regular bail. The Applicant is arrested on 23rd January 2017 in connection with CR No.22 of 2017 registered with BKC Police Station for offences punishable under Sections 452, 354, 354A and 354D of Indian Penal Code and under Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act').

2. The prosecution case is that the victim girl, aged about 13 years, was sleeping in her house along with family members. The accused entered into the premises in the mid-night and molested the victim girl. The Applicant-accused was arrested on the spot by the family members of the victim girl. Learned advocate for the Applicant submitted that the Applicant is in custody since 23rd January 2017. The investigation is complete and the charge sheet

has been filed. He further submitted that Section 4 of POCSO Act is not applicable in the present case. He also submitted that punishment provided under Section 8 of POCSO Act is maximum five years imprisonment.

3. Learned APP opposed the application for bail. She submitted that the accused has committed crime in the mid night and has molested the minor girl. She, therefore, submitted that considering the nature of crime committed by the Applicant, he should not be released on bail. She also submitted that the Applicant is likely to tamper the evidence.

4. Taking into consideration the fact that the Applicant is in custody since 23rd January 2017 and on completing the investigation charge sheet is filed, I am inclined to grant bail to the applicant on certain terms and conditions. Hence, I pass following order :

ORDER

(a) The Applicant is directed to be released on bail in connection with CR No.22 of 2017 registered with BKC Police Station, Mumbai for offences punishable under Sections 452, 354, 354A and 354D of Indian Penal Code and Sections 4 and 8 of POCSO Act, 2012, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(b) The Applicant is directed to remain out of jurisdiction of BKC Police Station, Mumbai;

(c) Since the Applicant has stated that he will stay at Virar. The Applicant is directed to report to Virar Police Station once in a month between 5 to 7 p.m. on the first working day of the month;

(d) The Applicant should refrain from tampering with the witnesses;

(e) Criminal Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)

MST