

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.964 OF 2017

Roshan Shilvaraj Nadar

Applicant

versus

The State of Maharashtra

Respondent

Mr.Rajesh Jaiswar for Applicant.

Mr.M.G.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 4th July 2017

PC :

1. This is an application for bail. Offence was registered with Kala Chowki Police Station, Mumbai vide CR No.292 of 2016 on 16th December 2016 under Sections 354 and 506 of Indian Penal Code ('IPC') and under Sections 8 and 12 of Protection of Children from Sexual Offence Act, 2012 ('POCSO Act').

2. The case of the prosecution is that the victim who is aged about 11 years, whose modesty was outraged by the Applicant-accused. The incident had occurred allegedly on 16th December 2016. It is alleged that the Applicant had touched the private parts of the victim. The first information report ('FIR') was lodged by the uncle of the victim.

3. The statement of victim was recorded under Section 164 of Code of Criminal Procedure, 1973. In the said statement, it is stated by the victim girl that the accused is related to her and that he had not touched her inappropriately. It is also stated that the Applicant

had not troubled her in any manner.

4. The advocate for the Applicant submitted that a false case is registered against the Applicant on account of dispute between the complainant and the Applicant. There is a dispute with regards to property. The wife of the Applicant had lodged a complaint against the complainant on 14th December 2016 and 19th December 2016. The said complaints were treated as non-cognizable complaints. The first complaint is prior to the registration of present FIR.

5. Perused the documents on record. Apparently the victim has stated in the statement under Section 164 that the Applicant has not committed any act outraging her modesty. There appears to be dispute between the Applicant and the complainant which is evident from the complaint lodged with the police station by the wife of the Applicant, which is prior to the registration of FIR. The investigation is complete and charge sheet is filed. The Applicant is in custody from 17th December 2016. In view of the above, case for grant of bail is made out.

6. Hence, I pass following order :

ORDER

(i) Bail Application No.964 of 2017 is allowed;

(ii) The Applicant is directed to be released on bail in connection with CR No.292 of 2016 registered at Kala Chowki Police Station, Mumbai on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

(iii) The Applicant is permitted to furnish cash security for a period of four weeks in the sum of Rs.20,000/-

(iv) The application is disposed of.

(PRAKASH D. NAIK, J.)

MST