

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2483 OF 2017

Ramesh Ramvilas Kahar @ Ramesh Ramvilas ...Applicant
Guad

Versus

The State of Maharashtra ...Respondent

Mr.Tripti R. Shetty for the applicant.

Ms.A.A. Takalkar, APP for the State.

CORAM: A.M. BADAR, J.

DATED: 20th NOVEMBER 2017

PC:-

1. The applicant/accused in Crime No.362 of 2017 registered with police Station MHB Colony for the offences punishable under Sections 354, 324, 323 and 504 r/w 34 of the Indian Penal Code and under Section 8,12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'POCSO' for the sake of brevity), by this application is seeking his release on bail.

2. Heard the learned advocate appearing for the applicant/accused. She argued that even if the FIR is taken as

it is, then it is clear that the liability of the present applicant in the crime in question is for bailable offences and he cannot be said to be an accused involved in commission of the offences punishable under Section 8 and 12 of the POCSO Act and under Section 354 of the Indian Penal Code.

3. The learned APP opposed the application by contending that the crime in question is serious and the applicant had assaulted maternal uncle of the the victim by means of a knife.

4. I have carefully considered the rival submissions and also perused the material available on record including FIR.

5. The FIR is lodged by minor female victim of the crime in question alleging that Dinesh Gaud, his associate had committed offence of sexual assault on her in the night hours of 6.10.2017. So far as the present applicant is concerned, the first informant averred that subsequent to the incident of out

raging her modesty by Dinesh Gaud and his associate at about 11.30 p.m. of that day, Dinesh as well as present applicant Ramesh Gaud and the associate of Dinesh came to her house and the present applicant assaulted her maternal uncle by means of a Knife. The role of the present applicant is only of assaulting maternal uncle of the victim of the crime in question. Penal section invoked against him are 324, 323 and 504 of the Indian Penal code .

6. In this view of the matter, I am of the opinion that further pre-arrest detention of the present applicant is not warranted. As such the following order.

ORDER

- i) The application is allowed.
- ii) The applicant/accused in Crime No.362 of 2017 registered with police Station MHB Colony for the offences punishable under Sections 354, 324, 323 and 504 r/w 34 of the Indian Penal Code and under Sections 8,12 of the Protection of Children from Sexual Offences Act, 2012 be released on bail

on executing his P.R. Bond in the sum of 15,000/- and on furnishing surety in the like amount.

iii) The applicant should not tamper with the prosecution evidence.

iv) The applicant / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

v) The application is disposed of accordingly.

(A.M. BADAR, J)