

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

BAIL APPLICATION NO.955 OF 2018

Sunil @ Appu Mahadev Kumbhar Applicant

Vs.

The State of Maharashtra Respondent

Mr. Kuldeep S. Patil for the Applicant.

Mr. Vinod Chate, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 6th August, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 21st December 2017 in Crime No.417 of 2017, registered at Jath Police Station, District Sangli, for the offences punishable under Sections 354 and 504 of Indian Penal Code and 8 and 10 of POCSO Act. The investigation is completed and the charge-sheet is filed against the present applicant.

3 It is the case of the prosecution that on 21st December 2017, Sau. Rekha Madhukar Koli lodged a report at the police station alleging therein that she has a daughter, aged about 7 years and a son aged about 12 years old. They are studying in Zilla Parishad school. On 20th December 2017, her children came home and her daughter informed her that while they were returning home, the present applicant, who resides as their neighbour, had molested her by touching her inappropriately. When she questioned, the applicant about the said act, he had threatened her. Thereafter she had lodged the F.I.R.

4 The statement of the victim was recorded. She has also disclosed that when she was returning home from school, the present applicant had apprehended her on the road and thereafter had touched her inappropriately. The statement of her brother was recorded. He has reiterated the act of the present applicant. He has also stated that the present applicant used to tease him on his way to School.

5 The applicant is in custody since December 2017 i.e. almost for more than 7 months. Hence, without going into the merits of the case, the applicant deserves to be enlarged on bail on imposing certain conditions.

6 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- iii) The applicant shall not enter into Achkanhalli, Taluka Jath till disposal of the trial.

(Smt. Sadhana S. Jadhav, J)