

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1378 OF 2018

Ravi Banarsidas Arora @ Ravi Sukheeja Arora,
Age 59 years, Occ. Business,
R/o.Ganesh Darshan, Flat No.A-1,
Plot No.A-233, A-234, Sector-19A,
Koparkhairane, Navi Mumbai-400 709 AND
Rambo Flat and Shop Owners Association,
F-10, C/4, Sector-10, Vashi, Navi Mumbai.
(presently at Taloja Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.V.V.Purwant I/by B.D.Bahal for applicant.

Mrs.G.P.Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 31st August 2018

PC :

1. This is an application for bail in connection with CR No.I-266 of 2017 registered with Vashi Police Station for offences under Sections 354 and 506 of Indian Penal Code and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The brief facts of the prosecution case are that the victim, who is aged about 17 years, is the resident of Vashi Naka, Chembur. Her father is plying auto rickshaw and he has sustained injuries and was bed ridden since last three years. Her elder brother is also plying auto rickshaw and the other brother is working in a shop. The victim's school-mate namely Zeenat Shekh is studying in Chembur Municipal School. The victim's family was in need of money. Zeenat

told the victim that the applicant-accused is lending money. As the complainant was in need of money, she along with Zeenat went to the house of applicant-accused on 13th July 2017. The accused took her sister's aadhar card and pan card and told them to come on next day to collect money. On 15th July 2017 the complainant reached at the place of applicant along with elder brother. The accused told her brother to sit in the bedroom and told her to accompany him in the hall as he wants to perform some puja. The accused told the victim to sit in front of the temple in the hall and thereafter the applicant put one garland on her neck and told her to lie on the bed. The applicant started touching chest and private part of victim amounting to outraging her modesty.

3. The applicant was arrested on 15th July 2017 and since then he is in custody. Learned counsel for applicant drew my attention to the statement of complainant, her brother and the friend of victim Zeenat. It is submitted that there is apparent contradictions in the said statements. It is also pointed out from the statement of the friend of victim that on the earlier occasion Rs.5,000/- was given to victim by the applicant. It is therefore submitted that he has been falsely implicated in the case.

4. Learned APP submitted that there is consistency in the versions of victim and other witnesses with regards to the alleged incident, which constitute offence u/s 354 as well as Sections 8 and 12 of POCSO Act.

5. The victim was aged about 17 years on the date of alleged offence. On perusal of statement of Zeenat it is apparent that prior

to the alleged incident, Rs.5,000/- was given to the victim by the applicant. The incident had occurred when the brother victim was also present in the house in the separate room. It is also required to be noted that the applicant is in custody from the date of offence. The investigation is complete and charge sheet is filed. The maximum punishment prescribed for the alleged offence is up to five years. In the circumstances, the application is required to be allowed.

6. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1378 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No. I-266 of 2017 registered with Vashi Police Station, Navi 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 directed to report the investigating officer of Vashi Police Station, Nani Mumbai once in a month on first Saturday between 10 am and 12 noon till further orders;
- (iv) The applicant shall not tamper with the evidence.

(PRAKASH D. NAIK, J.)

MST