

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

CRIMINAL BAIL APPLICATION NO.1426 OF 2018

Vikas Yashwant Shitap	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Salim A. Shaikh, Advocate for the Applicant.
Mr.Arfa Sait, APP for the Respondent – State.
Mr.Sawant, PSI, Samta Nagar Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 30, 2018.

P.C. :

This is an application for bail in connection with C.R.No.752 of 2018, registered with Samta Nagar Police Station, Mumbai, for the offence punishable under Section 354-A of Indian Penal Code (“IPC”, for short) and Sections 8 and 12 of the Protection of Children from Sexual Offence Act (“POCSO”, for short).

2 The prosecution case is that the victim child was playing in the vicinity of the house and hence he was sitting on the scooter. Accused who was also sitting on the scooter touched the private part of the victim child. Hence FIR was lodged. Applicant is arrested on 29th December, 2017.

3 Learned counsel for the applicant submitted that there are no criminal antecedents against the applicant. There is no other evidence to corroborate the statement of victim. Medical evidence does not support the prosecution case. There is no allegation of sexual assault against the applicant. The offence is punishable at the most is punishable for three months. The applicant is in custody from the date of arrest and charge - sheet has been filed. Learned APP, on instructions, states that the accused is residing in the same vicinity where the victim and her family resides. Specific role has been attributed to the applicant. The applicant does not deserves sympathy considering the role played by him. The victim is a minor child. Accused took undue advantage of the situation and committed offence.

4 considering the role attributed to the applicant and considering the fact that the applicant is in custody from 29th December, 2017, investigation is completed, followed by filing of charge - sheet, further detention of the applicant is not necessary. The applicant is alleged to have committed an offence under Section 354 - A of IPC and since the victim is minor, provisions of POCSO Act is also invoked. By imposing stringent conditions, the applicant can be granted bail.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1426 of 2018, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.752 of 2017, registered with Samta Nagar Police Station, Mumbai, on his furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall stay away outside the jurisdiction of Samta Nagar Police Station, Mumbai and shall stay away from the victim and her family members;
- (iv) Applicant shall not tamper the evidence and also attend the trial Court regularly during the date of hearing, unless exempted by the Court for some reasons;

- (v) Applicant shall furnish his residential address to the investigating officer after his release on bail;
- (vi) Bail Application No.1426 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)