

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

BAIL APPLICATION NO. 1798 OF 2018

Sachin Devram Umare ... Applicant
Vs.
State of Maharashtra ... Respondent

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Mr. Aniket Vagal for the applicant.
Mr. M.G.Patil, APP for the Respondent-State.
Mr. S.A. Sonawane, PSI, Wadala T.T. Police Station.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 21st AUGUST, 2018.

P.C.

1. This is an application for bail in connection with C.R. No. 132 of 2018 registered with Wadala T.T. Police Station, Mumbai for offence punishable under Sections 354-A, 509 of Indian Penal Code and Section 8, 12 of POCSO Act. The applicant was arrested on 18th April, 2018.

2. The prosecution case is that on 17th April, 2014, younger daughter of complainant informed her that their neighbour (accused) kissed her elder daughter aged 11 years. Hence, she made inquiry with her elder daughter (victim) who stated that the accused had shown her one clip on his mobile phone and told her that he would do the similar trick with her when nobody is at

home. In pursuant to the the Registration of First Information Report on the basis of statement of the mother of victim, the statement of victim and her minor sister were recorded. The statement of one of the neighbour was also recorded who stated that victim was seen in the company of the applicant-accused. On completing the investigation, the chargesheet is filed.

3. Learned advocate for the applicant submitted that act is attributed to the applicant is that he had kissed the victim and showed some clip in the mobile phone. He was arrested subsequently but the mobile phone has not been recovered from him. Thus, there is no evidence to corroborate the fact that any clip was shown to the victim girl. It is further submitted that the applicant is in custody since 18th April, 2018. There are no criminal antecedents against him.

4. Learned APP submitted that the complainant, victim as well as her sister has attributed overt act to the applicant. It is confirmed that the mobile phone having alleged clip was not recovered from the applicant. It is also confirmed from the officer who is present in the Court that there are no criminal antecedents against the applicant. It is submitted that applicant is resident of same area of victim and may tamper with the evidence.

5. Learned advocate for the applicant on instructions submitted that applicant is willing to stay out of the jurisdiction of the Mumbai. The applicant would stay at Karjat and would report to the nearest police station. There are no criminal antecedents against the applicant. The chargesheet has been filed. He is in custody from 18th April, 2018.

6. Considering aforesaid circumstances, the applicant can be granted bail on certain conditions. Hence, I pass the following order.

ORDER

- i) Bail Application No. 1798 of 2018 is allowed;
- ii) The applicant is directed to be released on bail in connection with POCSO Special Case No.327 of 2018 pending in the Court of Special Court at Greater Bombay arising out of C.R. No. 132 of 2018 registered with Wadala T.T. Police Station in the sum of Rs.20,000/- (Rs. Twenty Thousand) with one or more sureties in the like amount;
- iii) The applicant shall stay out of Mumbai. Since he has undertaken to reside at Karjat, he shall attend Karjat Police Station once in a month on first Saturday of the month between 10 a.m. to 12 noon till further order.

- iv) The applicant is permitted to attend the Sessions Court at Mumbai for attending the proceedings;
- v) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- vi) The application stands disposed off.

Sachidanand
Kuttan Nair

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by Sachidanand
Kuttan Nair
Date:
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(PRAKASH D. NAIK, J.)