

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

BAIL APPLICATION NO. 1882 OF 2018

Shailesh Shahaji Suryavanshi

... Applicant

Vs.

State of Maharashtra

... Respondent

...

Mr. Kuldeep Patil I/by Mr. Prashant Mohan Patil for the applicant.

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

Mr. Nikam, PSI, Navghar Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 24th SEPTEMBER, 2018.

P.C.

1. This is an application for bail in connection with CR No. 143 of 2018 registered with Navghar Police Station for offence punishable under Sections 376 (2) (I), (J) of Indian Penal Code read with Sections 4,8,12, 17 of POCSO Act.

2. The prosecution case is that the complainant Prem Karanveer Thapa is residing alongwith his family consisting of his wife and daughter at construction site at Shivchandra Building Construction Site Opp. Tarun Utkarsha Ground, Gavanpada, Mulund (E), Mumbai. Complainant is working at the above construction site as a watchman for last four months. On 7th July, 2018 at around 10 a.m. the complainant wife left for domestic work and his daughter was alone at home. His daughter was aged about three and half

years. The complainant being a watchman sat near his room and looking after his child. The accused No.1 came there and told the complainant to bring tea and beedi. The complainant left for bring the same. In the meantime, accused No.1 sexually assaulted the victim child. It is further alleged that complainant informed the said incident to applicant who was working as a supervisor at the said site. The applicant had allegedly told the complainant that he would terminate the co-accused from the job but he should not lodge the complaint with the police. The applicant then went to the medical shop and brought some medicine and told the complainant to give said medicine to the child and not to take child to BMC Hospital. The FIR was lodged on 9th July, 2018.

3. Learned APP submitted that one more case is pending against the applicant vide CR No. 13 of 2017 registered with Navghar Police Station for offence punishable under Section 341, 506 read with 34 of Indian Penal Code. The applicant discourage the complainant from lodging complaint. He did not report incident to police.

4. Thus, undisputedly the role of sexual assault is attributed to the co-accused Saheb Shaikh. Applicant has allegedly advised the complainant not to go to the police and gave some medicine. The

co-accused is arrested and he is in custody. Applicant was arrested on 9th July, 2018 and since then he is in custody. The investigation is completed and chargesheet has been filed. The pending case relates to offence under Section 341 of Indian Penal Code. The applicant is on bail. Considering the role attributed to the applicant, the case for grant of bail is made out. Hence, I pass the following order.

ORDER

- i) Criminal Bail Application No. 1882 of 2018 is allowed.
- ii) The applicant is directed to be released on bail in connection with C.R. No. 143 of 2018 registered with Navghar Police Station on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like amount;
- iii) The applicant shall report Navghar Police Station once in a month on first Friday between 10 a.m. to 12 noon till further order;
- iv) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- v) The application stands disposed off.

Sachidanand
Kuttan Nair

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Sachidanand
Kuttan Nair
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(PRAKASH D. NAIK, J.)